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STATUTORY INSTRUMENTS

1992 No. 1078 (S.102)

TOWN AND COUNTRY PLANNING, SCOTLAND

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

<i>Made</i>	- - - -	<i>29th April 1992</i>
<i>Laid before Parliament</i>		<i>11th May 1992</i>
<i>Coming into force</i>	- -	<i>1st June 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 21 and 273 of the Town and Country Planning (Scotland) Act 1972((1)) and of all other powers enabling him in that behalf hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 1992 and shall come into force on 1st June 1992.

Amendment of General Permitted Development Order

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

(a) in article 2(1) the following definition shall be inserted after the definition of “industrial process”—

“licensed premises ” means premises licensed for the sale of alcoholic liquor pursuant to the provisions of the Licensing (Scotland) Act 1976((3)) or premises licensed pursuant to the provisions of the Betting, Gaming and Lotteries Act 1963((4));

(b) for sub-paragraph (b) of article 8(2) there shall be substituted: —

(1) 1972 c. 52; section 21(2) was amended by the Local Government (Scotland) Act 1973 (c. 65), section 172(2); section 21(3) was substituted by the Housing and Planning Act 1986 (c. 63), Schedule 11, paragraph 30.
(2) S.I. 1992/223.
(3) 1976 c. 66.
(4) 1963 c. 2.

Status: This is the original version (as it was originally made).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

- “(b) any direction under article 4 of the Town and Country Planning (General Development) (Scotland) Order 1950((5)), article 4 of the Town and Country Planning (General Development) (Scotland) Order 1975((6)) and article 4 of the Town and Country Planning (General Development) (Scotland) Order 1981((7)) which was in force immediately before 13th March 1992 shall in so far as it relates to development permitted by this Order have effect as if it were a direction given under article 4 of this Order of which notice has been published or served, as the case may be.”;
- (c) in sub-paragraph (3)(c)(ii) of Class 1 of Schedule 1 the words “at the end of a row ” shall be deleted;
 - (d) in sub-paragraph (2)(c) of Class 3 of Schedule 1 for the comma occurring after the words “4 square metres ” there shall be substituted the word “and”;
 - (e) in sub-paragraph (4)(a) of Class 18 the words “or the formation or alteration of a private way” shall be deleted;
 - (f) in sub-paragraph (3)(a) of Class 22 the words “or the formation or alteration of a private way” shall be deleted; and
 - (g) at the end of sub-paragraph (2)(f) of Class 68 of Schedule 1 the words “or a national scenic area” shall be added.

St Andrew’s House,
Edinburgh
29th April 1992

Allan Stewart
Parliamentary Under Secretary of State, Scottish
Office

(5) S.I. 1950/942.
(6) S.I. 1975/679.
(7) S.I. 1981/830.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as follows:—

- (a) it inserts a definition of “licensed premises” which was omitted in error from the Order;
- (b) it substitutes a new provision in place of article 8(2)(b) which has the effect of correcting the erroneous reference in that provision to the saving of various specified directions as if they had been given “under this article”;
- (c) it deletes from the definition of “terrace house” at sub-paragraph (3)(c)(ii) of Class 1 of Schedule 1 the words “at the end of a row” which were included in error;
- (d) it makes a minor amendment for the purpose of clarifying sub-paragraph (2)(c) of Class 3 of Schedule 1;
- (e) in relation to agricultural and forestry development consisting of the formation or alteration of a private way it removes the requirement to apply to the planning authority for a determination as to whether prior approval as to siting and means of construction is required. This requirement was included in error; and
- (f) it amends sub-paragraph (2)(f) of Class 68 of Schedule 1 so that the development permitted by way of Class 68 does not apply within a national scenic area. This was the position immediately before the Order came into force.