
STATUTORY INSTRUMENTS

1997 No. 3060 (S.194)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (General Permitted Development) (Scotland) Amendment (No.2) Order 1997

<i>Made</i>	- - - -	<i>18th December 1997</i>
<i>Laid before Parliament</i>		<i>29th December 1997</i>
<i>Coming into force</i>	- -	<i>2nd February 1998</i>

The Secretary of State, in exercise of the powers conferred on him by sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Scotland) Amendment (No.2) Order 1997 and shall come into force on 2nd February 1998.

(2) In this Order, “the 1992 Order” means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(2).

Amendment of the 1992 Order

2. In article 2(1) of the 1992 Order (interpretation), for the definition of “Use Classes Order” substitute—

““Use Classes Order” means the Town and Country Planning (Use Classes) (Scotland) Order 1997(3).”.

3. In Class 10 in Part 3 (changes of use) of Schedule 1 to the 1992 Order—

(a) after “Class 10” insert “—(1)”;

(b) after head (a) insert—

“(aa) for the sale of hot food for consumption off the premises;”;

(c) at the end insert—

(1) 1997 c. 8.

(2) S.I.1992/223, amended by S.I. 1992/1078 and 2084, 1993/1036, 1994/1442, 2586 and 3294, 1996/252, 1266 and 3023 and 1997/1871 and as read with Part IV of S.I. 1994/2716.

(3) S.I. 1997/3061.

“(2) Development is not permitted by sub-paragraph (1)(c) of this class if the change of use is of a building whose total floor area exceeds 235 square metres.”.

4. In Class 11 in Part 3 of Schedule 1 to the 1992 Order, at the end insert–

“or a use for the sale of hot food for consumption off the premises”.

5. In Classes 12 and 13 in Part 3 of Schedule 1 to the 1992 Order, for “class 11” in each place where it occurs substitute “class 6”.

6. In the last paragraph (interpretation of Part 3) in Part 3 of Schedule 1 to the 1992 Order, for “the Town and Country Planning (Use Classes) (Scotland) Order 1989”, substitute “the Use Classes Order”.

7. In Class 18 in Part 6 (agricultural buildings and operations) of Schedule 1 to the 1992 Order, omit sub-paragraph (5)(d)(ii).

8. In Class 43A in Part 13 (development by statutory undertakers) of Schedule 1 to the 1992 Order–

(a) in sub-paragraph (1)–

(i) after “being”, insert “–(a)”; and

(ii) after “apparatus”, insert– “; or

(b) development consisting of the erection, construction, maintenance, improvement or other alteration of–

(i) a control kiosk for a pump station or monitoring station, where the control kiosk does not exceed 6 cubic metres in volume, 2 metres in height, 3 metres in width or 1 metre in depth;

(ii) a sewer pipe which is supported on pillars or a truss above ground to maintain a gradient and which does not exceed 1 metre in height;

(iii) a raised manhole cover or sampling chamber which does not exceed 1 metre in height or 1 metre in width;

(iv) a vent pipe which does not exceed 3 metres in height; or

(v) a concrete head wall for sewer discharge pipes which does not exceed 1.5 metres in height, 1.5 metres in length or 0.5 metre in depth”; and

(b) in sub-paragraph (2), after “land under” insert “or on”.

St Andrew’s House,
Edinburgh
18th December 1997

Calum MacDonald
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. It adds a provision to the permitted development right for a change of use from sale or display of motor vehicles to a shop (Class 10(c) of Part 3 of Schedule 1), restricting its application to buildings whose floor space does not exceed 235 square metres (article 3(c)). It extends the category of sewerage works covered by the permitted development rights in Class 43A of Part 13 of Schedule 1 (article 8). It also makes various minor consequential changes necessary to take account of the Town and Country Planning (Use Classes) (Scotland) Order 1997 which comes into force on the same date as this Order.