
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 357

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011.

(2) With the exception of those articles mentioned in paragraph (3), this Order comes into force on 21st November 2011.

(3) Articles 2(2)(b), (4), (5), (7) to (9) and (11) and 3 come into force on 6th February 2012.

(4) In this Order “the 1992 Order” means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(1).

Amendment of the 1992 Order

2.—(1) The 1992 Order is amended in accordance with paragraphs (2) to (12).

(2) In article 2 (interpretation)—

(a) in paragraph (1) omit the definition of “Procedure Order”; and

(b) in paragraph (2) for “Any” substitute “Except where a contrary intention appears, any”.

(3) After article 7 insert—

“Notification of an application for a determination under class 70

7A.—(1) A planning authority must give notice in accordance with this article that an application for a determination made under sub-paragraph (3)(b)(i) of class 70 (a building operation consisting of the demolition of a building) of Schedule 1 has been made.

(2) Notice under paragraph (1) is to be given where there are premises situated on the neighbouring land to which the notice can be sent to the owner, lessee or occupier of such premises, by sending a notice addressed to “the Owner, Lessee or Occupier” to such premises.

(3) The notice to be given in accordance with paragraph (2) must—

(a) state the date on which the notice is sent;

(b) state the name of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent;

(c) include any reference number given to the application by the planning authority;

(d) include a description of the demolition to which the application relates;

(e) include the postal address of the land to which the demolition relates, or if the land in question has no postal address, a description of the location of the land;

(1) S.I. 1992/223; relevantly amended by S.I. 1992/1078 and 2084, 1994/3294, 1996/3023 and 2003/2155 and S.S.I. 2001/266, 2004/32, 2006/270 and 2007/209.

- (f) state how the application and other documents submitted in connection with it may be inspected;
- (g) state that representations may be made to the planning authority regarding the method of demolition and proposed restoration of the site; and
- (h) include information as to how and by which date (being a date not earlier than 14 days after the date on which the notice is sent) such representations may be made.

(4) In this article “neighbouring land” means an area or plot of land which, or part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed.”.

(4) For Part I (development within the curtilage of a dwellinghouse) of Schedule 1 substitute Parts 1 and 1ZA in the Schedule to this Order.

(5) In Part 1A (installation of domestic microgeneration equipment) of Schedule 1—

- (a) omit classes 6A and 6B (solar PV or solar thermal equipment); and
- (b) in the interpretation section, omit the definitions of “free-standing solar” and “solar PV”.

(6) In the interpretation section of Part 1B of Schedule 1, after the definitions of “significant extension” and “significant alteration” insert—

““solar PV” means solar photovoltaics;”.

(7) In class 7 (gates, fences, walls or other means of enclosure) of Part 2 of Schedule 1, at the end of sub-paragraph (2)(d) insert—

“or

(e) it would be development described in class 3E(1)”.

(8) In class 8 (means of access) of Part 2 of Schedule 1, for “Class 7” substitute “classes 3E or 7”.

(9) In class 9 (the stone cleaning or painting of the exterior of any building or works) of Part 2 of Schedule 1, after sub-paragraph (2)(c) insert—

“or

(d) it would be development described in class 2B(1).”.

(10) In class 67 (development by telecommunications code operators) of Part 20 of Schedule 1—

- (a) in paragraph (1) after “controlled by that operator” insert “or in accordance with the electronic communications code,”; and
- (b) in sub-paragraph (6)(d) for “telecommunications purposes” substitute “electronic communication purposes”.

(11) In class 68 (microwave antenna) of Part 21 of Schedule 1, after paragraph (2)(a) insert—

“(aa) the development is permitted by class 4A(1);”.

(12) In class 70 (a building operation consisting of the demolition of a building) of Part 23 of Schedule 1—

- (a) in sub-paragraph (3)(b) after “demolition” where it first appears insert “is demolition of a qualifying building,”;
- (b) in sub-paragraph (3)(b)(ii) omit “, a certificate stating that neighbour notification procedure has been carried out in accordance with sub-paragraph (iii) below”;
- (c) omit sub-paragraph (3)(b)(iii); and
- (d) in the interpretation section, after the definition of “excluded demolition” insert—
 - ““qualifying building” means—
 - (a) a dwellinghouse;

- (b) a building containing one or more flatted dwellings; or
- (c) a building having a mutual wall with, or having a main wall adjoining the main wall of a dwellinghouse or a building containing one or more flatted dwellings, but for the purposes of this definition—
 - (i) a building is not to be regarded as a dwellinghouse or as containing one or more flatted dwellings if use as a dwelling is ancillary to any non-residential use of that building or other buildings on the same site; and
 - (ii) each house in a pair of semi-detached houses and every house in a row of terrace houses (whether or not, in either case, the house is in residential use) is to be regarded as a building.”.

Transitional provision and saving provision

3.—(1) Classes 1A to 1D, 2A, 2B, 3A to 3E and 4A of Parts 1 and 1ZA of Schedule 1 to the 1992 Order, as substituted by article 2 of this Order, do not apply to any development initiated(2) before 6th February 2012 and completed before 31st August 2012, and the provisions of Part 1 of Schedule 1 to the 1992 Order shall continue to have effect with regard to such development as they did immediately before 6th February 2012.

(2) Development described in classes 1A(1), 1B(1), 1C(1), 1D(1), 2A(1), 2B(1), 3A(1), 3B(1), 3C(1), 3D(1), 3E(1) and 4A(1) of Parts 1 and 1ZA of Schedule 1 to the 1992 Order, as substituted by article 2 of this Order, is not permitted where—

- (a) immediately before 6th February 2012 article 3 of the 1992 Order did not apply to that development by virtue of a direction made under article 4 of that Order; and
- (b) that direction has not subsequently been cancelled by the Scottish Ministers or the planning authority under article 6 of the 1992 Order.

St Andrew’s House,
Edinburgh
12th October 2011

AILEEN CAMPBELL
Authorised to sign by the Scottish Ministers

(2) Section 27 of the Town and Country Planning (Scotland) Act 1967 describes when development is initiated.