
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 35

The Town and Country Planning (General
Permitted Development and Use Classes)
(Scotland) Miscellaneous Amendment Order 2023

Part 2

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

Amendment of Part 2D of schedule 1

5. In Part 2D (recharging electrical outlets)—
- (a) in class 9E (wall-mounted electrical outlets for recharging electric vehicles)—
 - (i) in paragraph (1) for “an area lawfully used for off-street parking” substitute “a qualifying parking area”,
 - (ii) omit paragraphs (3) and (4),
 - (iii) for paragraph (5)(b) substitute—
 - “(b) the wall on which the development was mounted or into which the development was set must be reinstated—
 - (i) as soon as reasonably practicable, and so far as reasonably practicable, to its condition before that development was carried out, or
 - (ii) in accordance with a restoration plan agreed in writing with the planning authority.”.
 - (b) in class 9F (upstands with an electrical outlets for recharging electric vehicles)—
 - (i) for paragraph (1) substitute—
 - “(1) The installation, alteration or replacement, within a qualifying parking area of—
 - (a) an upstand with an electrical outlet mounted on it for recharging vehicles,
 - (b) equipment (including equipment housing) necessary for the operation of such an upstand.”.
 - (ii) for paragraph (2)(a) substitute—
 - “(a) exceed 2.7 metres in height from the level of the surface used for the parking of vehicles,
 - (aa) if located within the curtilage of a dwellinghouse, or of a building containing one or more flats exceed 1.6 metres in height from the level of the surface used for the parking of vehicles,”.
 - (iii) after paragraph (2) insert—

“(2A) Development is not permitted by this class where any piece of equipment, (including equipment housing) other than an upstand would—

- (a) exceed 29 cubic metres,
- (b) exceed 3 metres in height from the level of the surface used for the parking of vehicles,
- (c) be within 5 metres of a road,
- (d) be within the curtilage of a dwellinghouse, or a building containing one or more flats,
- (e) be within 10 metres of the curtilage of a dwellinghouse or a building containing one or more flats.”,

(iv) omit paragraphs (3) and (4),

(v) before paragraph (5) insert—

“(4A) Development is permitted by this class subject to the condition that any lighting or illumination forming part of the development—

- (a) is directed towards the surface used for the parking of vehicles, and
- (b) only illuminates the immediate area of the development.”,

(vi) for paragraph (5)(b) substitute—

“(b) the land on which the development was mounted or into which the development was set must be reinstated—

- (i) as soon as reasonably practicable, and so far as reasonably practicable, to its condition before that development was carried out, or
- (ii) in accordance with a restoration plan agreed in writing with the planning authority.”, and

(c) in the interpretation section—

(i) omit the definition of “World Heritage Site”,

(ii) insert—

““qualifying parking area” means an area which—

- (a) has—
 - (i) as its primary use lawful off-street parking, and
 - (ii) a hard surface, or
- (b) is within the curtilage of a dwellinghouse or a building containing one or more flats.”.