

1975 No. 679 (S 107)**TOWN AND COUNTRY PLANNING, SCOTLAND****The Town and Country Planning (General Development)
(Scotland) Order 1975**

Made - - - - *17th April 1975*

Laid before Parliament *5th May 1975*

Coming into Operation *16th May 1975*

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In exercise of the powers conferred on me by sections 21, 22, 23, 24, 28, 31, 33, 34, 39, 51, 90, and 273 of and Schedule 12 to the Town and Country Planning (Scotland) Act 1972(a) and of all other powers enabling me in that behalf, I hereby order as follows:—

Application, citation and commencement

1.—(1) This order shall apply to all land in Scotland:

Provided that if a special development order is made, or has been made before the commencement date of this order, in relation to any land this order shall apply thereto to such extent only and subject to such modifications as may be specified in the special order.

(2) Nothing in this order shall apply to any permission which is deemed to be granted by virtue of section 62 of the Act.

(3) This order may be cited as the Town and Country Planning (General Development) (Scotland) Order 1975 and shall come into operation on 16th May 1975.

Interpretation

2.—(1) In this order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, namely—

“the Act” means the Town and Country Planning (Scotland) Act 1972;

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing or departure of aircraft;

“agricultural land” and “agricultural unit” respectively have the meanings assigned to those expressions by the Agriculture (Scotland) Act 1948(b);

“aqueduct” does not include an underground conduit;

“betting office” means any building in respect of which there is for the time being in force a betting office licence pursuant to the provisions of the Betting, Gaming and Lotteries Act 1963(c);

“building” does not include plant or machinery or a structure or erection of the nature of plant or machinery, and in Schedule 1 does not include any gate, fence, wall or other means of enclosure, but except as aforesaid includes any structure or erection and any part of a building as so defined;

“caravan” has the meaning assigned to that term by section 29(1) of the Caravan Sites and Control of Development Act 1960(d);

“caravan site” has the meaning assigned to it by section 1(4) of the Caravan Sites and Control of Development Act 1960;

“cemetery” includes a burial ground or any other place of interment for the dead;

“classified road” means a road which is for the time being classified under section 28 of the Local Government (Scotland) Act 1966(e) or is treated as a classified road by virtue of that section;

(a) 1972 c. 52.

(c) 1963 c. 2.

(e) 1966 c. 51.

(b) 1948 c. 45.

(d) 1960 c. 62.

“commencement date” means the date of coming into operation of this order;

“contravention of previous planning control” in relation to any development has the same meaning as for the purposes of section 20 of the Act;

“dwelling-house” does not include a building containing one or more flats, or a flat contained within such a building;

“flat” has the meaning assigned to it in section 208(1) of the Housing (Scotland) Act 1966(a);

“industrial process” means any process for or incidental to any of the following purposes, namely:—

- (a) the making of any article or of part of any article, or
- (b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up, or demolition, of any article, or
- (c) without prejudice to the foregoing paragraphs, the getting, dressing or treatment of minerals,

being a process carried on in the course of trade or business, and, for the purposes of this definition, the expression “article” means an article of any description, including a ship or vessel;

“industrial undertakers” means undertakers by whom an industrial process is carried on, and “industrial undertaking” shall be construed accordingly;

“landscaping” means the treatment of land (other than buildings) being a site or part of a site in respect of which an outline planning permission is granted, for the purpose of enhancing or protecting the amenities thereof and the area in which it is situated, and includes screening by fences, walls or other means, planting of trees, hedges, shrubs or grass, formation of banks, terraces or other earthworks, layout of gardens or courts, and other amenity features;

“laundrette” includes any building for the purpose of washing or cleaning clothes or fabrics in machines available for operation by members of the public;

“listed building” means a building which is for the time being included in a list compiled or approved by the Secretary of State under section 52 of the Act;

“local highway authority” means a regional or islands council;

“mine” includes any site on which mining operations are carried out;

“mineral undertakers” means undertakers engaged in mining operations and includes undertakers licensed under the Petroleum (Production) Act, 1934(b), to search and bore for and get petroleum; and for the purposes of this order any land in respect of which a licence is in force under the said Act authorising any undertakers to search and bore for and get petroleum, shall be deemed to be comprised in their undertaking;

“mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working;

“office” includes a bank and premises occupied by an estate agency, building society or employment agency, or (for office purposes only) for the purpose of car hire or driving instruction but does not include a post office or betting office;

(a) 1966 c. 49.

(b) 1934 c. 36.

“original” means, in relation to a building existing on 1st July 1948, as existing on that date; and in relation to a building built on or after 1st July 1948, as so built;

“outline planning permission” means a planning permission for the carrying out of building or other operations which is granted subject to a condition (in addition to any other conditions which may be imposed) requiring subsequent approval to be obtained from the planning authority with respect to one or more reserved matters;

“painting” includes any application of colour;

“post office” does not include any building used primarily for the sorting or preparation for delivery of mail or for the purposes of Post Office administration;

“private street” means any street maintained or liable to be maintained by a person other than a highway authority;

“private way” means a road or footpath which is not a highway;

“public vehicle” means a public service vehicle, tramcar or trolley vehicle within the meaning of those expressions in the Road Traffic Act, 1960(a);

“reserved matters” in relation to an outline planning permission or an application for such permission, means any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of any building to which the planning permission or the application relates, or the means of access to such building, or the landscaping of the site in respect of which the application was made;

“river purification authority” means a river purification board established under section 135 of the Local Government (Scotland) Act 1973(b) or an islands council;

“road” and “trunk road” respectively have the meanings assigned by the Roads (Scotland) Act 1970(c); and in relation to a trunk road the reference to a proposed road in the definition of road shall include a reference to the site of a proposed road shown in a development plan as likely to be the subject of an order under section 1 of the Trunk Roads Act 1946(d) that the road shall become a trunk road;

“shop” means a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods by retail, and without prejudice to the generality of the foregoing, includes a building to be used for the purposes of a hairdresser, undertaker, travel agency, ticket agency or post office, or for the reception of goods to be washed, cleaned or repaired, but does not include a building used as a fun fare, amusement arcade, casino, pin-table saloon, garage, launderette, petrol filling station, office, hotel, restaurant, snack bar or cafe, or premises licensed for the sale of excisable liquor for consumption on the premises;

“special road” has the same meaning as in the Special Roads Act 1949(e);

“unclassified road” means a road other than a trunk, special or classified road.

(2) The Interpretation Act, 1889(f) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(a) 1960 c. 16.
(c) 1970 c. 20.
(e) 1949 c. 32.

(b) 1973 c. 65.
(d) 1946 c. 30.
(f) 1889 c. 63.

(3) Any reference to a numbered Article or to a numbered Schedule is, unless otherwise expressly provided or the context otherwise requires, a reference to the Article or, as the case may be, the Schedule bearing that number in this order.

(4) In this order, unless the context otherwise requires,

(a) references to a planning authority shall be construed as a reference to a regional, or general, or district planning authority;

(b) references to any enactment shall be construed as references to that enactment as amended, extended or applied by any other enactment applying to Scotland.

Permitted development

3.—(1) Subject to the subsequent provisions of this order, planning permission is granted by this order for development of any class specified in column (1) of Part I of Schedule 1 and such development may be undertaken upon land to which this order applies, without the permission of any planning authority or of the Secretary of State:

Provided that the permission granted by this order in respect of any such development shall be subject to any condition imposed in column (2) of that part of that Schedule 1 in respect of the class to which the development relates, and any reference in that column to standard condition 1 or 2 is a reference to the condition bearing that number and specified respectively in paragraphs 1 and 2 of Part II of Schedule 1.

(2) Nothing in this Article or in Schedule 1 shall operate so as to permit any development contrary to a condition imposed in any permission granted or deemed to be granted under Part III of the Act otherwise than by this order.

(3) Any development of Class X of Schedule 1 authorised by an Act or order subject to the grant of any consent or approval shall not be deemed for the purposes of this order to be so authorised unless and until that consent or approval is obtained; and in relation to any development of Class X authorised by an Act passed or order made after the 1st July 1948, the foregoing provisions of this Article shall have effect subject to any provision to the contrary contained in the Act or order.

Directions restricting permitted development

4.—(1) If in relation to any area the Secretary of State or, in relation to the district of a general planning authority, that general planning authority, or in relation to the district of a district planning authority, that district planning authority is satisfied that it is expedient that all or any development of all or any of the Classes of Schedule 1 should not be carried out in that area or as the case may be that district or any particular part thereof, or that any particular development of any of those Classes should not be carried out in such area or district or part, unless permission or approval is granted on an application in that behalf, the Secretary of State or the planning authority concerned may direct that the permission granted by Article 3 of this Order shall not apply to:—

(a) all or any development of all or any of those classes in any particular area specified in the direction; or

(b) any particular development, specified in the direction, falling within any of these Classes:

Provided that in the case of development of Class X no such direction shall have effect in relation to development authorised by any Act passed after 1st July 1948 or by any order requiring the approval of both Houses of Parliament approved after that date.

(2) A direction by a planning authority under this Article shall require the approval of the Secretary of State, and the Secretary of State may approve the direction, with or without modifications:

Provided that no such approval shall be required in the case of a direction relating only to a listed building or a building notified to the authority by the Secretary of State as a building of special architectural or historic interest, and not affecting the carrying out by statutory undertakers of any of the operations referred to in paragraph (7) of this Article.

(3) Notice of any direction specifying any particular area given under paragraph (1)(a) of this Article shall be published by the planning authority concerned in one or more newspapers, circulating in the locality in which the area is situated, and on the same or a subsequent date in the Edinburgh Gazette, and such notice shall contain a concise statement of the effect of the direction and name a place or places where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours; and any such direction shall come into force on the date on which notice thereof is first published.

(4) Notice of any direction specifying any particular development given under paragraph (1)(b) of this Article shall be served by the planning authority concerned on the owner and occupier of the land affected, and any such direction shall come into force on the date on which notice thereof is served on the occupier, or if there is no occupier, on the owner.

(5) A district planning authority shall notify the regional planning authority of their region, on submitting to the Secretary of State a direction under this Article and shall send to them a copy of any notice published or served in accordance with paragraph (3) or (4) of this Article.

(6) Any direction under Article 4 of the Town and Country Planning (General Development) (Scotland) Order 1950(a) in force immediately before the commencement date of this order shall, in so far as it relates to development permitted by this order, continue in force and have effect as if it were a direction given under this Article, of which notice had been duly published or served, as the case may be.

(7) No direction given or having effect under this Article shall have effect in relation to the carrying out in case of emergency of any development of any Class of Schedule 1 or, unless such direction specifically so provides, to the carrying out by statutory undertakers of any of the following operations:—

- (a) maintenance of bridges, buildings and railway stations;
- (b) alteration and maintenance of railway track, and provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;
- (c) maintenance of docks, harbours, quays, wharves, canals and towing paths;

(a) S.I. 1950/942 (1950 II, p. 1107).

- (d) provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, bank, wharf or basin;
- (e) any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;
- (f) maintenance of buildings, runways, taxiways, or aprons at an aerodrome;
- (g) provision, alteration and maintenance of equipment, apparatus and works at an aerodrome, required in connection with the movement of traffic by air (but excepting buildings, the construction, erection, reconstruction or alteration of which is permitted by paragraph H of Class XV of Schedule 1).

Applications for planning permission

5.—(1) Subject to the following paragraphs of this article, an application to a planning authority for planning permission shall be made on a form issued by the planning authority and obtainable from that authority and shall include the particulars required by such form to be supplied and be accompanied by a plan sufficient to identify the land to which it relates and such other plans and drawings as are necessary to describe the development which is the subject of the application, together with such additional number of copies, not exceeding three, of the form and plans and drawings as may be required by the planning authority; and a planning authority may by a direction in writing addressed to the applicant require such further information as may be specified in the direction to be given to them in respect of an application for permission made to them under this paragraph, to enable them to determine that application.

(2) Where an applicant so desires, an application may be made for outline planning permission and, where such permission is granted, the subsequent approval of the planning authority shall be required to such reserved matters as may be specified by the authority in granting such permission. The application shall be made on a form, as required by the preceding paragraph, shall describe the development to which it relates, shall be accompanied by a plan sufficient to identify the land to which it relates (together with such additional copies, not exceeding three, of the form and plan as may be required by the planning authority) and may contain such further information (if any) as to the proposal as the applicant desires:

Provided that, where the authority are of the opinion that in the circumstances of the case the application ought not to be considered separately from the siting or the design or external appearance of the building, or the means of access thereto or the landscaping of the site, they shall within the period of one month from receipt of the application notify the applicant that they are unable to entertain it unless further details are submitted, specifying the matters as to which they require further information for the purpose of arriving at a decision in respect of the proposed development; and the applicant may either furnish the information so required or appeal to the Secretary of State within six months of receiving such notice, or such longer period as the Secretary of State may at any time allow, as if his application had been refused by the authority.

(3) Where a planning permission has previously been granted for development and that development has not yet been commenced and where a time limit imposed by or under section 38 or section 39 of the Act (that is to say, a time

limit on the commencement of the development or, in the case of an outline planning permission, on the submission of an application for the approval of reserved matters) has not yet expired, an application may be made for planning permission for the same development without complying with paragraphs (1) and (2) of this article; but such application shall be in writing and shall give sufficient information to enable the authority to identify the previous grant of planning permission. Where the planning authority are of the opinion that further information is necessary to enable them to deal with the application, they may by a direction in writing addressed to the applicant require the submission of information, plans or drawings on such matters as may be specified in the direction.

(4) A planning authority may by a direction in writing addressed to the applicant require to be produced to an officer of the authority such evidence in respect of an application for permission made to them as they may reasonably call for to verify any particulars of information given to them.

(5) This Article shall be the regulations to be made for the purposes of section 22 of the Act.

Other forms of application

6.—(1) An application to a planning authority for approval of reserved matters shall be in writing, shall give particulars sufficient to identify the outline planning permission in relation to which it is made and shall include such particulars and be accompanied by such plans and drawings as the authority may consider necessary to enable them to deal with the application together with such additional number of copies of the application and plans and drawings as were required by the authority in relation to the application for outline planning permission.

(2) An application to a planning authority for a determination under section 51 of the Act shall be in writing and shall contain a description of the operations or change of use proposed and be accompanied by a plan sufficient to identify the land to which the application relates. Where the proposal relates to carrying out of operations, the application shall in addition be accompanied by such plans or drawings as are necessary to show the nature of the operations which are covered by the proposal. Where the proposal relates to a change of use full descriptions shall be given of the proposed use and of the use of the land at the date when the application is made (or, where the land is not in active use at that date, the purpose for which it was last used). The planning authority may by a direction in writing require the applicant to furnish such further information as may be specified in the direction, to enable them to deal with the application.

General provisions relating to applications

7.—(1) Any application made under Article 5 or 6 of this order shall in the case of an application relating to development in the district of a general planning authority be lodged with that authority, and in the case of an application relating to development in the district of a district planning authority be lodged with that authority.

(2) On receipt of any such application the planning authority shall send to the applicant an acknowledgement thereof in the terms (or substantially in the terms) set out in Part I of Schedule 2.

(3) The period within which the planning authority shall give notice to an applicant of their decision or determination or of the reference of an application to the Secretary of State or regional planning authority as the case may be shall be the following period from the date of receipt by them of the application, namely:—

(a) in the case of an application for permission for development affecting a trunk road, or affecting land on which the Secretary of State proposes to construct a trunk road or a special road, or for any approval in connection therewith, three months; and

(b) in any other case, two months;

or such extended period as may be agreed upon in writing between the applicant and the planning authority at any time (except where the applicant has already given notice of appeal to the Secretary of State).

(4) Every such notice shall be in writing and—

(a) in the case of an application for planning permission or for approval of reserved matters, where the planning authority decide to grant permission or approval subject to conditions or to refuse it, the notice shall—

(i) state the reasons for the decision; and

(ii) where the Secretary of State has given a direction restricting the grant of permission for the development referred to in the application or where he or a government department has expressed the view that the permission should not be granted (either wholly or in part) or should be granted subject to conditions, give details of the direction or of the view expressed;

and shall be accompanied by a notification in the terms (or substantially in the terms) set out in Part II of Schedule 2 hereto;

(b) in the case of an application for a determination under section 51 of the Act (whether forming part of an application for planning permission or not), the planning authority shall (except where they determine that the carrying out of operations or the making of a change in the use of land would not constitute or involve development of the land) state in such notice the grounds for their determination and include a statement to the effect that if the applicant is aggrieved by their decision he may appeal to the Secretary of State under section 33 of the Act (as applied by section 51 of the Act) within six months of receipt thereof or such longer period as the Secretary of State may at any time allow.

(5) A planning authority shall furnish to the Secretary of State and to such other persons as may be prescribed by directions given by the Secretary of State under this order such information as may be so prescribed with respect to applications made to them under Article 5 or 6 of this order including information as to the manner in which any such application has been dealt with.

Directions restricting the grant of planning permission

8.—(1) The Secretary of State may give directions restricting the grant of planning permission by any planning authority, either indefinitely or during such period as may be specified in the directions, in respect of any such development or in respect of development of any such class, as may be so specified.

(2) A planning authority to whom a direction has been given under this article shall deal with applications for planning permission for development to which such direction relates in such manner as to give effect to the terms of the direction.

Special provisions as to planning permission for development affecting trunk roads and special roads

9.—(1) The provisions of this article shall apply to the following roads or proposed roads:

- (a) a trunk road;
- (b) a proposed trunk road or a proposed special road, being a road the route of which is shown as such in the development plan, or in respect of which the Secretary of State has given notice in writing to the planning authority of his proposal, together with maps or plans sufficient to identify the proposed route of the road;
- (c) any road which is comprised in the route of a special road to be provided by the Secretary of State in accordance with a scheme under the provisions of the Special Roads Act 1949 relating to special roads, and which has not for the time being been transferred to him;
- (d) any road which has been or is to be provided by the Secretary of State in pursuance of an order under the provisions of the said Act relating to trunk roads and special roads and has not for the time being been transferred to any highway authority.

(2) On receipt of an application for planning permission for development which consists of or includes:

- (a) the formation, laying out or alteration of any means of access to a road to which this Article applies; or
- (b) any other development of land within 67 metres (or such other distance as may be specified in a direction given by the Secretary of State under Article 11(2) of this order) from the middle of a road or proposed road to which this Article applies,

the planning authority shall notify the Secretary of State and shall not determine the application until they have received either:

- (i) a direction under Article 8 of this order; or
- (ii) notification by or on behalf of the Secretary of State that he does not propose to give such a direction on grounds relating to any road or proposed road to which this Article applies.

(3) Where under this Article a planning authority are required to notify the Secretary of State of an application for planning permission they shall send to the Secretary of State at such office or address as he may appoint a copy of the relevant application and of every plan submitted therewith.

Development not according to development plan.

10.—(1) Subject to the provisions of this Article a planning authority may grant planning permission for development which does not accord with the provisions of the development plan in such cases and subject to such conditions as may be prescribed by directions given by the Secretary of State under this order.

(2) A district planning authority which applies for a direction under paragraph (1) shall at the same time notify the regional planning authority of their region of their proposal to grant such planning permission.

Consultation as to applications for planning permission

11.—(1) Before granting planning permission for development in any of the following cases, whether unconditionally or subject to conditions, a planning authority shall consult with the following authorities or persons, namely:—

- (a) where it appears to the planning authority that the development is likely to affect land in the district of any neighbouring planning authority, with that authority;
- (b) where it appears to the planning authority that the development is likely to create or attract traffic which will result in a material increase in the volume of traffic entering or leaving a trunk road or using a level crossing over a railway, with the Secretary of State;
- (c) where the development involves the formation, laying out or alteration of any means of access to, or is likely to create or attract traffic which will result in a material increase in the volume of traffic entering or leaving a road (other than a trunk road) for which the planning authority are not also the local highway authority, with the local highway authority concerned;
- (d) where the development consists of the erection of a building (other than an alteration, extension or re-erection of an existing building or the erection of a building of a temporary character) in an area of proposed coal working notified by the National Coal Board to the planning authority, with the National Coal Board;
- (e) where the development is of land which is situated within 800 metres from any Royal Palace or Park, and might affect the amenities of that Palace or Park, with the Secretary of State;
- (f) where the development is of land in an area of special interest notified to the planning authority by the Nature Conservancy Council in accordance with section 23 of the National Parks and Access to the Countryside Act, 1949(a) with the Council, except when the Council dispense with this requirement;
- (g) where, under section 29 of the Act, application is made for planning permission to retain on land industrial buildings constructed before the date of the application, which are of any class prescribed by regulations made by the Secretary of State for the purposes of section 65 of the Act, with the Secretary of State;
- (h) where the development consists of or includes:
 - (i) the carrying out of works or operations in the bed or on the banks of a river or stream;
 - (ii) the carrying out of building or other operations or use of land for the purpose of providing or storing mineral oils and their derivatives;
 - (iii) the use of land for the deposit of any kind of refuse or waste, including sludge; or

(a) 1949 c. 97.

- (iv) the carrying out of building or other operations (other than the laying of sewers, the construction of pump-houses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling houses, or single buildings in which not more than 10 people will normally reside, work or congregate, and works ancillary thereto) or use of land for the retention, treatment or disposal of sewage, trade-waste, or effluent,

with the river purification authority exercising functions in the area where the development is to take place.

(2) The Secretary of State may give a direction to any planning authority requiring that authority to consult with the authorities, persons or bodies named in such direction in any case or class of case which may be specified in such direction and, before determining any application for planning permission in any such case or class of case, the planning authority shall enter into consultation accordingly.

(3) Where under this Article, a planning authority are required to consult with any authority, person or body as to any application, they shall give not less than 14 days' notice to such authority, person or body that such application is to be taken into consideration, shall not determine the application until after the expiration of the period of such notice, and shall, in determining the application, take into account any representations received from such authority, person or body.

Notification of applications affecting listed buildings

12.—(1) Before granting permission, whether unconditionally or subject to conditions, for any development of land which includes or involves the carrying out of works for the alteration or extension of a listed building, a planning authority shall notify the Secretary of State of the application, giving particulars of the proposed development and of the alterations to the listed building which are involved. The authority shall not determine the application until after the expiration of 28 days from the date of giving notice of it to the Secretary of State.

(2) The Secretary of State may, at any time before the said period expires, give notice to the authority that he requires further time in which to consider whether to require the application to be referred to him, and the foregoing paragraph shall then have effect with the substitution for a period of 28 days of such longer period as may be specified in the Secretary of State's notice.

(3) In respect of applications for permission for development of the kind described in paragraph (1) above, the Secretary of State may give a direction to a planning authority requiring them, in such cases or classes of cases as may be specified in the direction, to give to him and to such other persons as may be so specified, notice of the application and of the decision (if any) taken by the authority thereon.

Notice of reference of applications to the Secretary of State

13. On referring any application to the Secretary of State under section 32 of the Act or to a regional planning authority under section 179 of the Local Government (Scotland) Act 1973 pursuant to a direction in that behalf, a planning authority shall serve on the applicant notice of the terms of the direction and of any reasons given by the Secretary of State or as the case may be such

authority for issuing the direction, and such notice shall inform the applicant that the application has been referred to the Secretary of State or as the case may be such authority and shall contain a statement to the effect that the Secretary of State or such authority will, if the applicant so desires, afford to the applicant an opportunity of appearing before and being heard by a person appointed by the Secretary of State or such authority for the purpose, and, in the case of an application referred to the Secretary of State, that the decision of the Secretary of State on the application will be final.

Appeals

14.—(1) Any applicant who desires to appeal—

- (a) against a decision of a planning authority refusing planning permission to develop land, refusing approval of any reserved matters, or granting permission, or approval subject to conditions; or
- (b) against a determination of a planning authority under section 51 of the Act; or
- (c) on the failure of a planning authority to give notice of their decision or determination or of the reference of the application to the Secretary of State,

shall give notice of appeal to the Secretary of State, stating the grounds on which the appeal is made, within six months of notice of the decision or determination or the expiry of the appropriate period allowed under Article 7(3) of this order, as the case may be, or such longer period as the Secretary of State may at any time allow, and shall send a copy of the notice of appeal to the planning authority concerned.

(2) As soon as may be after the receipt of a copy of a notice of appeal, the planning authority concerned shall furnish to the Secretary of State a copy of the following documents:—

- (a) the application made to the planning authority;
- (b) all relevant plans, drawings, particulars and documents submitted with the application (including, in the case of an application for planning permission, a copy of any notice provided in accordance with section 23 of the Act and of the relevant certificate under that section and a copy of the certificate given in accordance with section 24 of the Act);
- (c) the notice of the decision or determination, if any;
- (d) all other relevant correspondence with the applicant;
- (e) a statement containing their observations on the appeal.

Register of applications

15.—(1) The register of applications for planning permission which every general or district planning authority is required to keep under the provision of section 31(2) of the Act shall be kept in two parts. Part I shall contain a copy of every application for planning permission and of any application for approval of reserved matters submitted to the planning authority and not finally disposed of, together with copies of plans and drawings submitted in relation thereto. Part II shall contain the following information in respect of all applications for planning permission:—

- (a) particulars of the application, including the name and address of the applicant, the date of the application and brief particulars of the development forming the subject of the application;
- (b) particulars of any direction given under the Act, the Local Government (Scotland) Act 1973 or this order in respect of the application;
- (c) the decision (if any) of the planning authority in respect of the application and the date of such decision;
- (d) the date and effect of any decision of the Secretary of State in respect of the application, on appeal or on a reference under section 32 of the Act;
- (e) the date and effect of any decision of a regional planning authority on a reference made under section 179 of the Local Government (Scotland) Act 1973;
- (f) the date of any subsequent approval (whether approval of reserved matters or any other approval required) given in relation to the application.

(2) Where, on an appeal to the Secretary of State under section 85 (enforcement notices) or 91 (applications for established use certificates) of the Act, the appellant is deemed to have made an application for planning permission for any development to which the appeal relates and the Secretary of State has granted permission for such development, the planning authority shall, on receipt of notification of the Secretary of State's decision, enter into Part II of the register referred to in the last preceding paragraph particulars of the development concerned and of the land on which it was carried out and the date and effect of the Secretary of State's decision.

(3) The register of applications for a determination under section 51 of the Act which every general or district planning authority is required to keep under the provisions of section 31(2) of the Act (as applied by section 51(2) of the Act) shall contain the following information in respect of all applications relating to land within their district, namely:—

- (a) particulars of the application, including the name and address of the applicant, the date of the application and brief particulars of the proposal forming the subject of the application;
- (b) the decision (if any) of the planning authority in respect of the application and the date of such decision;
- (c) the date and effect of any decision of the Secretary of State in respect of the application, whether on appeal or on a reference under section 32 of the Act.

(4) Every register shall include an index, which shall be in the form of a map unless the Secretary of State approves some other form, for enabling a person to trace any entry in the register.

(5) Every entry in a register (including, in the case of a register of applications for planning permission, the placing in Part I of the register of the copies of the application, plans and drawings required by paragraph (1) of this article) shall be made within 7 days of the receipt of an application, or of the giving or making of the relevant direction, decision or approval as the case may be.

(6) The register relating to their district shall be kept at the office of every general and district planning authority:

Provided that so much of any register as relates to land in a part of the district of that authority may be kept at a place within or convenient to that part.

(7) For the purposes of paragraph (1) of this article, an application shall not be treated as finally disposed of unless:—

- (a) it has been decided by the authority (or the appropriate period allowed under article 7(3) of this order has expired without their giving a decision) and the period of six months specified in article 14 of this order has expired without any appeal having been made to the Secretary of State; or
- (b) it has been referred to the Secretary of State under section 32 of the Act or an appeal has been made to the Secretary of State under section 33 of the Act, the Secretary of State has issued his decision and the period of six weeks specified in section 233 of the Act has expired without any application having been made to the Court of Session under that section; or
- (c) an application has been made to the Court of Session under section 233 of the Act and the matter has been finally determined, either by final dismissal of the application by the Court or by the quashing of the Secretary of State's decision and the issue of a fresh decision (without a further application under the said section 233); or
- (d) it has been withdrawn by the applicant before being decided by the authority, or an appeal has been withdrawn by the applicant before the Secretary of State has issued his decision.

Established use certificates

16.—(1) An application to a general or district planning authority for an established use certificate shall be in writing, shall be accompanied by such plans as are sufficient to identify clearly the land to which the application relates and shall give the following particulars:—

- (a) the address or location of the land to which the application relates;
- (b) a description of the use in respect of which a certificate is sought (being a use subsisting on the date when the application is made);
- (c) if there is more than one use of the land at the date when the application is made, a full description of all uses of the land at the relevant date and, where appropriate, an indication of the part of the land to which each of the uses relates;
- (d) whether or not the use referred to in sub-paragraph (b) above was begun before 1st January 1965 and, if not, the date when it was begun;
- (e) if the use referred to in sub-paragraph (b) above was begun on 1st January 1965 or a later date, particulars of the use of the land at 31st December 1964 and all subsequent uses, including the date when each such use began and ended;
- (f) the nature of the applicant's interest in the land;
- (g) a statement of the grounds (as set out in section 90(1) of the Act) upon which a certificate is sought; and
- (h) such other information as the applicant considers necessary to substantiate or make good his claim.

The application shall be accompanied by such documentary evidence as the applicant is able to furnish in proof of his statements and, in a case where a certificate is being sought on ground (b) of section 90(1) of the Act (that is, that

the use was begun before the beginning of 1965 under a planning permission granted subject to conditions or limitations, which either have never been complied with or have not been complied with since the end of 1964), a copy of the relevant planning permission or, where it is not possible to supply a copy, details of the condition in question and such particulars as the applicant is able to furnish in order that the permission may be identified. The planning authority may by a direction in writing require the applicant to furnish such further information as may be specified in the direction, to enable them to deal with the application.

(2) An application for an established use certificate shall not be entertained by the planning authority unless it is accompanied by one or other of the following certificates on a form obtainable from the planning authority and signed by or on behalf, of the applicant, that is to say:—

- (a) a certificate stating that, in respect of every part of the land to which the application relates, the applicant is either the proprietor of the dominium utile or is the lessee under a lease thereof;
- (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of 21 days ending with the date of the application, were owners of any of the land to which the application relates, and setting out of the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice;
- (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding sub-paragraphs, that he had given the requisite notice of the application to such one or more of the persons mentioned in the last preceding sub-paragraph as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to them respectively, and the date of the service of each notice), that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so; or
- (d) a certificate stating that the applicant is unable to issue a certificate in accordance with sub-paragraph (a) of this paragraph, that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in sub-paragraph (b) of this paragraph and that he has been unable to do so;

and for the purposes of this paragraph the following persons shall be treated as owners of the land to which the application for an established use certificate relates:—

- (i) any person who, in respect of any part of the land, is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 10 years remain unexpired; and
- (ii) any other person who is for the time being the occupier of any part of the said land.

(3) Any such certificate as is mentioned in sub-paragraph (c) or sub-paragraph (d) of the last preceding paragraph shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in sub-paragraph (b) of the said paragraph) been published in a local newspaper circulating in the locality in which the land in question is situated.

(4) In addition to any other matters required to be contained in a certificate issued for the purposes of paragraph (2) of this Article, every such certificate shall contain one or more of the following statements, that is to say:—

- (a) a statement that none of the land to which the application relates constitutes or forms part of an agricultural holding;
- (b) a statement that the applicant has given the requisite notice of the application to every person (other than the applicant) who, at the beginning of the period of 21 days ending with the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, and setting out the name of each such person, the address at which notice of the application was given to him, and the date of service of that notice.

(5) Where an application for an established use certificate is accompanied by such a certificate as is mentioned in paragraph (2)(b), (c), or (d) of this Article, or by a certificate containing a statement in accordance with paragraph (4)(b) of this Article, the planning authority:—

- (a) shall not determine the application before the end of the period of 21 days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later;
- (b) in determining the application, shall take into account any representations relating thereto which are made to them, before the end of the period mentioned in the preceding sub-paragraph, by any person who satisfies them that he is an owner (within the meaning of that term as defined in paragraph (2) of this article) of any land to which the application relates or that he is the tenant of an agricultural holding any part of which is comprised in that land; and
- (c) shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with the last preceding sub-paragraph.

(6) The provisions of Article 7(1), (2) and (5) of this order shall apply to an application for an established use certificate as they apply to an application for planning permission, with the modification that the form of the notice of receipt of the application which is to be sent to the applicant shall be as set out in Part I of Schedule 4 to this order.

(7) The planning authority shall give notice to the applicant of their decision (or of the reference of the application to the Secretary of State, as the case may be) within a period of two months from the date of receipt of the application, or such extended period as may be agreed upon in writing between the applicant and the planning authority at any time (except where the applicant has already given notice of appeal to the Secretary of State).

(8) Where an established use certificate is not granted by the planning authority on an application, the notice of their decision to refuse the application shall be given in writing, and shall state the grounds for their decision and include a statement to the effect that the applicant may appeal to the Secretary of State under section 91(2) of the Act.

(9) Any person who desires to appeal against a decision of a general or district planning authority refusing an established use certificate, or refusing it in part or against a deemed refusal of such a certificate, shall give notice of appeal in

writing to the Secretary of State within 6 months of receipt of notice of the decision or of the expiry of the period allowed under paragraph (7) of this article, as the case may be, or such longer period as the Secretary of State may at any time allow. Such person shall also furnish to the Secretary of State copies of the following documents:—

- (i) the application made to the planning authority;
- (ii) all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph (2) of this article);
- (iii) the notice of the decision, if any;
- (iv) all other relevant documents and correspondence with the planning authority.

(10) The provisions of paragraphs (2) to (4) of this Article shall apply in relation to an appeal to the Secretary of State as they apply in relation to an application to the planning authority for an established use certificate.

(11) The provisions of Article 15 of this order relating to the register kept by the planning authority in pursuance of section 31(2) of the Act shall apply in relation to applications for established use certificates as they apply in relation to applications for a determination under section 51 of the Act, with the modification that for the reference in paragraph (3)(a) to the proposal forming the subject of the application there shall be substituted a reference to the use in respect of which a certificate is sought.

(12) Certificates issued for the purposes of paragraph (2) of this Article shall be in the form set out in Part I of Schedule 3. The requisite notices for the purposes of the provisions of the said paragraph in relation to applications for established use certificates shall be in the form set out in Part II of the said Schedule, and the requisite notices for the purposes of the provisions of paragraphs (9) and (10) of this article (that is, notices in relation to appeals against refusal of an established use certificate) shall be in the form set out in Part III of the said Schedule.

(13) Established use certificates shall be issued in the form set out in Schedule 4 to this order.

Notices under section 23

17.—(1) The following classes of development are designated for the purposes of section 23 of the Act:—

- (a) construction of buildings for use as a public convenience;
- (b) construction of buildings or other operations, or use of land, for the disposal of refuse or waste materials, or for the storage or recovery of re-usable metal;
- (c) construction of buildings or other operations (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling houses, or single buildings in which not more than 10 people will normally reside, work or congregate and works ancillary thereto) or use of land for the retention, treatment or disposal of sewage, trade-waste, or effluent;
- (d) construction of buildings or other operations or use of land as a scrap yard or coal yard, or for the winning or working of minerals;

- (e) construction of buildings or use of land for the purposes of a slaughterhouse or knacker's yard; or for the killing or plucking of poultry;
 - (f) construction of buildings and use of buildings for any of the following purposes, namely as a theatre, cinema, music hall, dance hall, funfair, bingo hall, casino, skating rink, swimming bath, gymnasium (not forming part of a school, college or university), building for indoor games, Turkish or other vapour or foam bath, licensed premises, or hot food shop;
 - (g) construction of buildings and the use of buildings or land as a zoo, or wildlife park, or for the business of boarding or breeding cats or dogs;
 - (h) construction of buildings and use of buildings or land as a crematorium, or use of land as a cemetery;
 - (i) construction of buildings and use of buildings or land for motor car or motor cycle racing;
 - (j) construction of a building to a height exceeding 20 metres;
 - (k) construction of buildings, operations, and use of buildings or land which will alter the character of an area of established amenity;
 - (l) construction of buildings, operations, and use of buildings or land which will introduce significant change into a homogeneous area;
 - (m) construction of buildings, operations, and use of buildings or land which will affect residential property by reason of fumes, noise, vibration, smoke, artificial lighting, or the discharge of any solid or liquid substance;
 - (n) construction of buildings, operations, or use of buildings or land which will bring crowds into a generally quiet area;
 - (o) construction of buildings, operations, and use of buildings or land, which will cause activity and noise between the hours of 8 pm and 8 am.
- (2) The form of notice required to be published under section 23(2) of the Act shall be that set out in Part I of Schedule 5, and the copy of the notice accompanying the application shall be certified by or on behalf of the applicant as having been published in a named newspaper on a date specified in the certificate.
- (3) Certificates issued for the purposes of section 23(2) of the Act shall be in the form set out in Part II of Schedule 5.
- (4) The form of notice required by section 23(3) of the Act to be posted on the land shall be that set out in Part III of Schedule 5.

Certificates and notices under section 24

18.—(1) A certificate issued for the purposes of section 24 of the Act shall be in the form set out in Part I of Schedule 6.

(2) The requisite notices for the purposes of the provisions of section 24 of the Act in relation to applications shall be in the forms set out in Part II of Schedule 6.

(3) The requisite notices for the purposes of the provisions of section 24 of the Act as applied by section 33(5) of the Act in relation to appeals shall be in the forms set out in Part III of Schedule 6.

Directions and notices

19. (1) Any power conferred by this order to give a direction shall be construed as including power to cancel or vary the direction by a subsequent direction.

(2) Any notice or other document to be served or given under this order may be served or given in the manner prescribed by section 269 of the Act and by any regulations made under that section.

Revocations and savings

20.—(1) The statutory instruments specified in column 1 of Schedule 7 are revoked to the extent specified in column 2 of that Schedule, but without prejudice to any permission or approval granted or determination made thereunder; and any application for planning permission or approval or for a determination under section 51 of the Act which at the coming into operation of this order is outstanding shall have effect as if made and be determined under and in accordance with the provisions of this order.

(2) Any directions in force immediately before the coming into operation of this order under the Town and Country Planning (General Development) (Scotland) Orders, 1950 to 1970 shall continue in force and have effect as if given under this order.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

St Andrew's House,
Edinburgh.

17th April 1975.

SCHEDULE 1

Articles 2, 3 and 4

PART I

Column (1) Description of Development	Column (2) Conditions
<p><i>Class 1. (Development within the curtilage of a dwelling-house)</i></p> <p>(1) The enlargement, improvement or other alteration of a dwellinghouse so long as:</p> <ul style="list-style-type: none"> (a) the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than 50 cubic metres or one-tenth whichever is the greater, subject to a maximum of 115 cubic metres; (b) the height of the building as so enlarged does not exceed the height of the original dwellinghouse; (c) no part of the building as so enlarged projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a road; (d) in the case of an enlargement, improvement or other alteration comprising a projection from the roof of the dwellinghouse— <ul style="list-style-type: none"> (i) a line taken at right angles from any point on the uppermost line of such projection to the surface line of the roof of the dwellinghouse before development does not exceed 10 centimetres; and (ii) the roof area of the enlargement, improvement or alteration does not exceed 10% of the roof area of the dwellinghouse before development: <p>Provided that the erection of a garage, stable, loosebox or coach-house within the curtilage of the dwellinghouse and required for any purpose incidental to the enjoyment of the dwellinghouse as such shall be treated as the enlargement of the dwellinghouse for the purposes of this permission.</p>	<p>Standard conditions 1 and 2.</p>
<p>(2) The erection, construction or placing and the maintenance, improvement or other alteration, within the curtilage of a dwellinghouse, of any building, or enclosure (other than a dwelling, garage, stable, loosebox or coach-house) required for a purpose incidental to the enjoyment of the dwellinghouse as such, including the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse, so long as:</p> <ul style="list-style-type: none"> (a) the height does not exceed, in the case of a building with a ridged roof, 4 metres, or in any other case, 3 metres; (b) no part of such building or enclosure projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway. <p>(3) The erection or placing within the curtilage of a dwellinghouse of a tank for the storage of oil for domestic heating so long as:</p>	<p>Standard conditions 1 and 2.</p>

Column (1) Description of Development	Column (2) Conditions
<p>(a) the capacity of the tank does not exceed 3,500 litres;</p> <p>(b) no part of the tank is more than 3 metres above the level of the ground;</p> <p>(c) no part of the tank projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway.</p> <p><i>Class II. (Sundry minor operations)</i></p> <p>(1) The erection or construction of gates, fences, walls or other means of enclosure not exceeding 1 metre in height where abutting on a road used by vehicular traffic or 2 metres in height in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure; so long as no improvement or alteration increases the height above the height appropriate for a new means of enclosure.</p> <p>(2) The painting of the exterior of any building or works otherwise than for purposes of advertisement, announcement or direction.</p> <p><i>Class III. (Changes of use)</i></p> <p>Development consisting of a change of use to:</p> <p>(a) use as a light industrial building as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1973(a) from use as a general industrial building as so defined;</p> <p>(b) use as any type of shop from use as—</p> <p>(i) a shop for the sale of hot food;</p> <p>(ii) a tripe shop;</p> <p>(iii) a shop for the sale of pet animals or birds;</p> <p>(iv) a cats-meat shop;</p> <p>(v) a shop for the sale of motor vehicles;</p> <p>(c) use for any purpose within Class I of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1973, from use as a restaurant.</p> <p><i>Class IV. (Temporary buildings and uses)</i></p> <p>(1) The erection or construction on land on which operations for the felling of trees are being or are about to be carried out, or on land in, on, over or under which operations, other than mining operations, are being or are about to be carried out in pursuance of planning permission granted or deemed to be granted under Part III of the Act, or on adjoining land, of buildings, works, plant or machinery needed temporarily in connection with those operations for the period of such operations.</p> <p>(2) The use of land (other than a building or the curtilage of a building) for any purpose except as a caravan site on not more than 28 days in total in any calendar year, and the erection or placing of moveable structures on the land for the purposes of that use.</p>	<p>Standard conditions 1 and 2.</p> <p>(1) Such buildings, works, plant or machinery shall be removed at the expiration of the period of the operations and, where they were sited on any such adjoining land, that land shall be forthwith reinstated.</p> <p>(2) Standard conditions 1 and 2.</p> <p>Standard conditions 1 and 2.</p>

(a) S.I. 1973/1165 (1973 II, p. 3533).

Column (1) Description of Development	Column (2) Conditions
<p><i>Class V. (Agricultural buildings, works and uses)</i></p> <p>(1) The carrying out on agricultural land, having an area of more than 0.4 hectares, and comprised in an agricultural unit, of building or engineering operations requisite for the use of that land for the purposes of agriculture, other than the placing on land of structures not designed for those purposes or the provision and alteration of dwellings, being operations which do not at any time include:—</p> <p>(a) any buildings or works, exceeding 3 metres in height within 3 kilometres of the perimeter of an aerodrome;</p> <p>(b) any buildings (other than moveable structures) or works within 25 metres of the metalled portion of a trunk or classified road.</p> <p>(2) The erection or construction and the maintenance, improvement or other alteration of roadside stands for milk churns, except where they would abut on any trunk or classified road.</p> <p>(3) The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use of the land, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for purposes aforesaid, but excluding any excavation made within 25 metres of the metalled portion of a trunk or classified road.</p>	<p>Standard conditions 1 and 2.</p> <p>Standard condition 1.</p>
<p><i>Class VI. (Forestry buildings and works)</i></p> <p>The carrying out on land used for the purposes of forestry (including afforestation) of building and other operations (other than the provision or alteration of dwellings) requisite for the carrying on of those purposes, and the formation, alteration and maintenance of private ways required for those purposes on such land, being operations which do not at any time include:</p> <p>(a) any buildings or works exceeding 3 metres in height within 3 kilometres of the perimeter of an aerodrome;</p> <p>(b) any buildings (other than moveable structures) or works within 25 metres of the metalled portion of a trunk or classified road.</p>	<p>Standard conditions 1 and 2.</p>
<p><i>Class VII. (Development for industrial purposes)</i></p> <p>(1) Development of the following description, carried out by an industrial undertaker on land used (otherwise than (i) in contravention of previous planning control or (ii) without planning permission granted or deemed to be granted under Part III of the Act) for the carrying out of any industrial process, and for the purposes of such process, or on land used (otherwise than as aforesaid) as a dock, harbour or quay for the purposes of an industrial undertaking:—</p> <p>(i) the provision, rearrangement or replacement of private ways or private railways, sidings or conveyors;</p>	<p>Standard conditions 1 and 2.</p>

Column (1) Description of Development	Column (2) Conditions
<p>(ii) the provision or re-arrangement of sewers, mains, pipes, cables or other apparatus;</p> <p>(iii) the installation or erection by way of addition or replacement, of plant or machinery, or structures or erections of the nature of plant or machinery, not exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater;</p> <p>(iv) the extension or alteration of buildings (whether erected before or after the 1st July 1948) so long as the height of the original building is not exceeded and the cubic content of the original building (as ascertained by external measurement) is not exceeded by more than one-tenth, nor the aggregate floor space thereof by more than 500 square metres; but excluding:</p> <p style="padding-left: 2em;">(a) any operations mentioned in sub-paragraphs (iii) or (iv) materially affecting the external appearance of the premises of the undertaking;</p> <p style="padding-left: 2em;">(b) the extension or alteration as mentioned in sub-paragraph (iv) of any building in respect of which where, if an application for planning permission for that development were required to be made, a certificate would be required under Section 65 of the Act:</p> <p>Provided that the erection on land within the curtilage of any such building, of an additional building to be used in connection with the original building shall be treated as an extension of the original building, and where any two or more original buildings comprised in the same curtilage are used as one unit for the purposes of the undertaking, the reference in this permission to the cubic content shall be construed as a reference to the aggregate cubic content of those buildings and the reference to the total floor space of those buildings.</p> <p>(2) The deposit by an industrial undertaker of waste material or refuse resulting from an industrial process on any land comprised in a site which was used for such deposit, otherwise than in contravention of previous planning control, on 1st July 1948, whether or not the superficial area or the height of the deposit is thereby extended.</p> <p><i>Class VIII. (Repairs to private streets and private ways)</i> The carrying out of works required for the maintenance or improvement of a private street or private way, being works carried out on land within the boundaries of the street or way.</p> <p><i>Class IX. (Repairs to services)</i> The carrying out of any works for the purpose of inspecting, repairing or renewing sewers, mains, pipes,</p>	<p>Standard conditions 1 and 2.</p>

Column (1) Description of Development	Column (2) Conditions
<p>cables or other apparatus, including the breaking open of any land for that purpose.</p> <p><i>Class X. (Development under local or private Acts or orders)</i></p> <p>Development authorised (i) by any local or private Act of Parliament or (ii) by any order approved by both Houses of Parliament or (iii) by any order made under section 14 or section 16 of the Harbours Act 1964(a) being in any such case a local or private Act or an order which designates specifically both the nature of the development thereby authorised and the land upon which it may be carried out:</p> <p>Provided that approval of the planning authority shall be required in respect of the erection, construction, alteration or extension of any building, (including any bridge, aqueduct, pier or dam but not including any other structure or erection) or the formation, laying out or alteration of a means of access to any road used by vehicular traffic, and the planning authority shall not refuse such approval and shall not impose conditions upon the grant thereof, unless they are satisfied that it is expedient so to do on the ground that:—</p> <p>(a) the design or external appearance of such building would injure the amenity of the neighbourhood and is reasonably capable of modification so as to conform with such amenity; or</p> <p>(b) in the case of a building or means of access, the erection, construction, formation, laying out, alteration or extension ought to be, and could reasonably be, carried out elsewhere on the land.</p> <p><i>Class XI. (Development by local authorities)</i></p> <p>(1) The erection or construction and the maintenance, improvement or other alteration by a local authority of:—</p> <p>(i) such small ancillary buildings, works and equipment as are required on land belonging to, or maintained by them, for the purposes of any functions exercised by them on that land otherwise than as statutory undertakers;</p> <p>(ii) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of persons waiting to enter public vehicles and such similar structures or works as may be required in connection with the operation of any public service administered by them.</p>	<p>Standard condition 1.</p>

Column (1) Description of Development	Column (2) Conditions
<p>(2) The deposit by a local authority of waste material or refuse on any land comprised in a site which was used for that purpose, otherwise than in contravention of previous planning control on 1st July 1948, whether or not the superficial area or the height of the deposit is thereby extended.</p> <p><i>Class XII. (Development by local highway authorities)</i> The carrying out by a local highway authority of any works required for the maintenance or improvement of existing roads, being works carried out on land outside but abutting on the boundaries of the road.</p> <p><i>Class XIII. (Land drainage works)</i> The carrying out of any works required in connection with the improvement or maintenance of water-courses or land drainage works.</p> <p><i>Class XIV. (Development by sewerage authorities)</i> Any development by a regional or islands council carrying out functions under the Sewerage (Scotland) Act 1968(a), or by a development corporation authorised under section 34 of the New Towns Act (Scotland) 1968(b) to exercise powers relating to sewerage, being development not above ground level required in connection with the provision, improvement or maintenance of sewers.</p>	<p>Standard condition 1.</p>
<p><i>Class XV. (Development by statutory undertakers)</i> A. Railway or light railway undertakings. Development required in connection with the movement of traffic by rail and carried out by the undertakers or their lessees in, on, over or under the operational land of the undertaking except the construction of railways and the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of any railway station or bridge, or of any residential building, office or building to be used for manufacturing or repairing work which is not situated wholly within the interior of a railway station.</p>	<p>Standard conditions 1 and 2.</p>
<p>B. Dock, pier, harbour, water transport, canal or inland navigation undertakings. (1) Development required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or the movement of traffic by canal or inland navigation or any railway forming part of the undertaking and carried out by the undertakers, or by their lessees in, on, over or under the operational land of the undertaking, except the construction or erection, or the reconstruction or alteration so as materially to affect</p>	<p>Standard conditions 1 and 2.</p>

(a) 1968 c. 47.

(b) 1968 c. 16.

Column (1) Description of Development	Column (2) Conditions
<p>the design or external appearance thereof, of bridges or other buildings (not being structures or erections required in connection with the handling of traffic).</p> <p>(2) The use of any land for the spreading of dredgings.</p>	Standard condition 1.
<p>C. Water or hydraulic power undertakings.</p> <p>Development required for the purposes of the undertaking of any of the following descriptions, that is to say:—</p> <ul style="list-style-type: none"> (i) the laying underground of mains, pipes or other apparatus; (ii) the improvement, maintenance or repair of watercourses or land drainage works; (iii) any other development carried out in, over or under the operational land of the undertaking except:— <ul style="list-style-type: none"> (a) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings; (b) the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of plant or machinery, or structures of erections of the nature of plant or machinery, exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater. 	Standard conditions 1 and 2.
<p>D. Gas undertakings.</p> <p>Development required for the purposes of the undertaking of any of the following descriptions, that is to say:—</p> <ul style="list-style-type: none"> (i) the laying underground of mains, pipes or other apparatus; (ii) the installation in a gas distribution system of gas valve governor houses not exceeding (except when constructed underground elsewhere than under a road) 30 cubic metres in capacity; (iii) the construction, in any storage area or protective area specified in an order made under section 4 of the Gas Act 1965(a), of boreholes, other than those shown in the order as approved by the Secretary of State for the purposes of subsection (6) as read with subsection (7) of the said section 4, and the erection or construction, in any such area, of any plant or machinery or other structure not exceeding 6 metres in height which is required in connection with any such borehole; 	Standard conditions 1 and 2.

Column (1) Description of Development	Column (2) Conditions
<p>(iv) any other development carried out in, on, over or under the operational land of the undertaking except:—</p> <p>(a) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;</p> <p>(b) the installation of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height or capable, without addition, of being extended to a height exceeding 15 metres;</p> <p>(c) the replacement of any plant or machinery, or structures or erections of the nature of plant or machinery, to a height exceeding 15 metres or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.</p> <p>E. Electricity undertakings. Development required for the purpose of the undertaking of any of the following descriptions, that is to say:</p> <p>(i) the laying underground of pipes, cables or any other apparatus;</p> <p>(ii) the installation in an electric line of feeder pillars or transforming or switching stations or chambers not exceeding (except when constructed underground elsewhere than under a road) 30 cubic metres in capacity;</p> <p>(iii) the installation of service lines to individual consumers from an electric line;</p> <p>(iv) any other development carried out in, on or under the operational land of the undertaking except:—</p> <p>(a) the erection, or the reconstruction so as materially to affect the design or external appearance thereof, of buildings, or</p> <p>(b) the installation or erection, by way of addition or replacement of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.</p>	<p>Standard conditions 1 and 2.</p>
<p>F. Tramway or road transport undertakings. Development required for the purposes of the undertaking of any of the following descriptions, that is to say:—</p>	<p>Standard conditions 1 and 2.</p>

Column (1) Description of Development	Column (2) Conditions
<p>(i) the installation of posts, overhead wires, underground cables, feeder pillars, or transformer boxes not exceeding 17 cubic metres in capacity in, on, over or adjacent to a road for the purpose of supplying current to public vehicles;</p> <p>(ii) the installation of tramway tracks, conduits and drains and pipes in connection therewith for the working of tramways;</p> <p>(iii) the installation of telephone cables and apparatus, huts, stop posts, and signs required in connection with the operation of public vehicles;</p> <p>(iv) the erection or construction, and the maintenance, improvement or other alteration of passenger shelters and barriers for the control of persons waiting to enter public vehicles;</p> <p>(v) any other development carried out in, on, over or under the operational land of the undertaking, except:—</p> <p style="padding-left: 2em;">(a) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;</p> <p style="padding-left: 2em;">(b) the installation or erection by way of addition or replacement of any plant or machinery, or structures or erections of nature of plant or machinery, exceeding 15 metres in height, or the height of the plant, machinery, structure or erection so replaced, whichever is the greater;</p> <p style="padding-left: 2em;">(c) development not wholly within the interior of an omnibus or tramway station, in pursuance of the powers contained in section 14(1)(i)(d) of the Transport Act 1962(a) or section 10(1)(x) of the Transport Act 1968(b).</p> <p>G. Lighthouse undertakings. Development required for the purposes of the exercise of the functions of a general lighthouse authority under the Merchant Shipping Act 1894(c).</p> <p>H. The British Airports Authority. Development required in connection with the provision by the Authority of services and facilities necessary or desirable for the operation of an aerodrome, being development carried out by the Authority in, on, over or under the operational land of the undertaking, except:—</p> <p style="padding-left: 2em;">(i) the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of:—</p>	<p>Standard conditions 1 and 2</p>

(a) 1962 c. 46.

(b) 1968 c. 73.

(c) 1894 c. 60.

Column (1) Description of Development	Column (2) Conditions
<p>(a) any hotel; (b) any building (not being a building required in connection with the movement or maintenance of aircraft or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at an aerodrome);</p> <p>(ii) the construction or extension of runways.</p> <p>I. Post Office. Development required for the purposes of the undertaking of any of the following descriptions, that is to say:—</p> <p>(i) the installation of public call offices (telephone kiosks), posting boxes or self-service postal machines;</p> <p>(ii) the placing of any telegraphic line as defined in the Telegraph Act 1878(a) in the exercise of an easement or other right compulsorily acquired under section 55 of the Post Office Act 1969(b);</p> <p>(iii) the use of land in case of emergency for the stationing and operation of movable apparatus required for the replacement of telephone exchanges, telephone repeater stations and radio stations and generators which have become unserviceable, for a period not exceeding six months;</p> <p>(iv) any other development carried out in, on, over or under the operational land of the undertaking except:—</p> <p>(a) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;</p> <p>(b) the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height or the height of the plant, machinery, structure or erection, whichever is the greater.</p>	<p>Standard conditions 1 and 2.</p> <p>At the expiration of the period of use all such apparatus shall be removed and the land shall be restored to its condition before development took place.</p>
<p><i>Class XVI. (Development by mineral undertakers)</i></p> <p>(1) Where mining operations have been carried out in any land at any time on or after 15th August 1946 and before 1st July 1948,</p> <p>(a) in conformity with the provisions of a planning scheme or of permission granted thereunder or in accordance with permission granted at any time before 11th November 1943, by or under an interim development order and in force immediately before 1st July 1948; or</p>	<p>Standard conditions 1 and 2.</p>

(a) 1878 c. 76.

(b) 1969 c. 48.

Column (1) Description of Development	Column (2) Conditions
<p>(b) under Article 4 of the Town and Country Planning (General Interim Development) (Scotland) Order 1946(a), and an application for planning permission to continue those mining operations in adjoining land was made during the period of six months from 1st July 1948 or was treated by virtue of Schedule 10 paragraph 1 to the Town and Country Planning (Scotland) Act 1947(b) as having been made under that Act, the continuation of those operations until the application (or any appeal in respect thereof) has been dealt with.</p> <p>(2) The erection, alteration or extension by mineral undertakers on land in or adjacent to and belonging to a quarry or mine comprised in their undertaking, of any building, plant or machinery, or structure or erection of the nature of plant or machinery, which is required in connection with the winning and working of minerals including coal won or worked by virtue of section 36(1) of the Coal Industry Nationalisation Act 1946(c), but not any other coal, in pursuance of planning permission granted or deemed to be granted under Part III of the Act, or which is required in connection with the treatment or disposal of such minerals:</p> <p>Provided that approval of the planning authority shall be required in respect of the erection, alteration or extension of a building, and the planning authority shall not refuse such approval and shall not impose conditions upon the grant thereof unless they are satisfied that it is expedient so to do on the ground that:—</p> <p>(a) the erection, alteration or extension of such building would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions can reasonably be imposed in order to avoid or reduce the injury; or</p> <p>(b) the proposed building or extension ought to be, and can reasonably be, sited elsewhere.</p> <p>(3) The deposit of refuse or waste materials by, or by licence of, a mineral undertaker in excavations made by such undertaker and already lawfully used for that purpose, provided that the height of such deposit does not exceed the level of the land adjoining any such excavation.</p>	<p>Standard conditions 1 and 2.</p> <p>Standard conditions 1 and 2.</p>
<p><i>Class XVII. (Development by the National Coal Board.)</i></p> <p>Development of the following descriptions carried out by the National Coal Board, or their lessees or licencees:—</p> <p>(1) The winning and working underground, in a mine commenced before 1st July 1948, of coal or other minerals mentioned in Schedule 1 paragraph 1 to the Coal Industry Nationalisation Act 1946 and any underground development incidental thereto;</p> <p>(2) Any development required in connection with</p>	<p>Standard conditions 1 and 2.</p>

(a) S.I. 1946/1147 (1946 I, p. 1618).

(b) 1947 c. 53.

(c) 1946 c. 59.

Column (1) Description of Development	Column (2) Conditions
<p>coal industry activities as defined in section 63 of the Coal Industry Nationalisation Act, 1946 and carried out in the immediate vicinity of a pithead:</p> <p>Provided that approval of the planning authority shall be required in respect of the erection, alteration or extension of a building, and the planning authority shall not refuse such approval and shall not impose conditions on the grant thereof unless they are satisfied that it is expedient so to do on the ground that:—</p> <p>(a) the erection, alteration or extension of such building would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions can reasonably be imposed in order to avoid or reduce the injury; or</p> <p>(b) that the proposed building or extension ought to be, and can reasonably be, sited elsewhere.</p> <p>(3) The deposit of waste materials or refuse resulting from colliery production activities as defined by Schedule 1 paragraph 2 to the Coal Industry Nationalisation Act 1946 on land comprised in a site used (otherwise than in contravention of previous planning control) for the deposit of waste materials or refuse on 1st July 1948, whether or not the superficial area or the height of the deposit is thereby extended.</p> <p>(4) Development by the National Coal Board consisting of the temporary use of land for the purpose of prospecting for coal workable by open-cast methods and the carrying out of any operations requisite for that purpose.</p>	<p>(1) No development shall be begun until after the expiration of 42 days from the date of service of notice in writing on the local planning authority, indicating the nature, extent and probable duration of the prospecting.</p> <p>(2) At the expiration of the period of prospecting, any buildings, plant or machinery and any waste materials shall be removed and any boreholes shall be properly and sufficiently sealed and other excavations filled in and levelled, any top-soil removed being replaced as the uppermost layer.</p> <p>(3) Standard conditions 1 and 2.</p>
<p><i>Class XVIII. (Development sanctioned by Government Department)</i></p> <p>(1) Development by a local authority or by statutory undertakers which was sanctioned by any government department other than the Secretary of State for Scotland before 15th August 1946, and on which work had been commenced and was proceeding on 1st July</p>	

Column (1) Description of Development	Column (2) Conditions
<p>1948 or by the Secretary of State for Scotland whether before or after the commencement of this order: Provided that—</p> <ul style="list-style-type: none"> (i) development sanctioned by the Secretary of State shall be permitted by this order only to the extent specified in the sanction; (ii) development sanctioned by the Secretary of State, not being development by a local authority who are the planning authority, shall not be permitted by this order, unless the local authority or statutory undertaker, as the case may be, have on or before the date of application for sanction, or at such later date as the Secretary of State may in any particular case allow, notified the planning authority of the application and have furnished the Secretary of State with a statement that this has been done. <p>For the purpose of this paragraph, development shall be deemed to be sanctioned by a government department including the Secretary of State if—</p> <ul style="list-style-type: none"> (a) consent, authority or approval to or for the development is granted by the department in pursuance of any enactment; (b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development; (c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for the purpose; (d) consent is given by the department for the incurring of expenditure for the specific purpose of the development, or for the application for that purpose of any money not otherwise so applicable; or (e) an undertaking is given by the department to pay a grant in respect of the development in accordance with any enactment authorising the payment of such grants. <p>(2) The erection of any overhead electric line authorised by the Minister of Fuel and Power before 1st July 1948.</p>	<p>Standard condition 2.</p>
<p><i>Class XIX. (Peat)</i> The winning and working of peat by any person for the domestic requirements of that person.</p>	<p>Standard condition 1.</p>
<p><i>Class XX. (Uses of aerodrome buildings)</i> The use of buildings on an aerodrome which is vested in or under the control of the British Airports Authority for purposes connected with the air transport services or other flying activities at such aerodrome.</p>	
<p><i>Class XXI. (Development by planning authorities)</i> The carrying out, within their own district by a regional, general or district planning authority of:—</p>	

Column (1) Description of Development	Column (2) Conditions
<p>(a) works for the erection, enlargement, improvement or other alteration of dwellinghouses, so long as those works conform to a local plan adopted under section 12 of the Act or to a development plan in force under Schedule 5 paragraph 2 to the Act;</p> <p>(b) any development under the Housing (Scotland) Acts, 1966 to 1975, not being development to which the last foregoing sub-paragraph applies so long as the development conforms to a local plan adopted under section 12 of the Act or to a development plan in force under Schedule 5 paragraph 2 to the Act;</p> <p>(c) any development under any enactment, not being development to which sub-paragraph (a) or (b) of this class applies, the estimated cost of which does not exceed £25,000.</p> <p><i>Class XXII. (Use as caravan sites)</i> The use of land, other than a building, as a caravan site in any of the circumstances specified in paragraphs 2 to 9 (inclusive) of Schedule 1 to the Caravan Sites and Control of Development Act 1960(a), or in the circumstances (other than those relating to winter quarters) specified in paragraph 10 of that Schedule.</p> <p><i>Class XXIII. (Development on licensed caravan sites)</i> Development required by the conditions of a site licence for the time being in force under Part I of the Caravan Sites and Control of Development Act 1960.</p>	<p>(1) The use shall be discontinued when the said circumstances cease to exist, and all caravans on the site shall then be removed.</p> <p>(2) Standard conditions 1 and 2.</p> <p>Standard conditions 1 and 2.</p>

PART II

STANDARD CONDITIONS

1. This permission shall not authorise any development which involves the formation, laying out or material widening of a means of access to a trunk or classified road.
2. No development shall be carried out which creates an obstruction to the view of persons using any road used by vehicular traffic at or near any bend, corner, junction or intersection so as to be likely to cause danger to such persons.

SCHEDULE 2

PART I

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

Notification to be sent to applicant on receipt of application

Your application dated _____ *has been received*

If on (a)

the authority dealing with your application have not given you notice of their decision, and you have not agreed with them in writing that the period within which their decision shall be given may be extended, you are entitled to appeal to the Secretary of State in accordance with sections 33 and 34 of the Town and Country Planning (Scotland) Act 1972 by notice served within 6 months from that date (unless the application has already been referred by the authority to the Secretary of State).

(a) Insert date of expiry of the appropriate period under Article 7(3).

PART II

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions. (To be endorsed on notices of decision.)

(1) If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State in accordance with section 33 of the Town and Country Planning (Scotland) Act 1972 within six months of receipt of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

(2) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning (Scotland) Act 1972.

(3) In certain circumstances, a claim may be made against the planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 158 of the Town and Country Planning (Scotland) Act 1972.

Article 16

SCHEDULE 3

PART I

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT)
(SCOTLAND) ORDER 1975

Certificate under Article 16(2) in relation to an application for an established use certificate

Certificate A*

I hereby certify that:—

1. I am
*The applicant is *the proprietor of the dominium utile
The appellant is the lessee under a lease

of every part of the land to which the accompanying *application
appeal

dated

(a) insert date of
application or appeal(a)
relates.

Or:—

Certificate B*

I hereby certify that:—

1. I have
*The applicant has given the notice required by article 16
The appellant has

of the Town and Country Planning (General Development)
(Scotland) Order 1975 to all the persons who, 21 days before the
date of the accompanying

*application,
appeal were occupiers or owners of any of the land to

which the
*application
appeal relates, viz:—

Name of occupier
or owner

Address

Date of service of
notice

Or:—

Certificate C*

I hereby certify that:

1. (i) I am
*The applicant is not the proprietor of the
The appellant is

dominium utile of every part of the land to which the accom-
panying *application dated

(a) Insert date of
application or appeal(a)
relates and *have

has been unable to give the notice of the
*application
appeal required by article 16 of the Town and Country

Planning (General Development) (Scotland) Order 1975 to all persons who, 21 days before the date of the *application, appeal were occupiers or owners of any of the land to which the *application appeal relates.

(ii) I have

*The applicant has given the notice required by the The appellant has said article 16 to the following persons who, 21 days before the date of the accompanying *application appeal, were occupiers or owners of any of the land to which the *application appeal relates, viz:—

Name of occupier or owner	Address	Date of service of notice
---------------------------	---------	---------------------------

(iii) I have

*The applicant has taken the steps listed below, The appellant has being steps open to *me him, to ascertain the names and addresses of the other occupiers or owners of the land, or part thereof, and *have has been unable to do so.

(b) Insert description of steps taken

(b)
.....
.....

(iv) Notice of the *application appeal as set out below has been published in the

(c) Insert name of local newspaper circulating in the locality in which the land is situated.

(c)
.....

(d) Insert date of publication (which must not be earlier than 21 days before the application or appeal).

on (d)

Copy of notice as published

Or:—

Certificate D*

I hereby certify that:—

1. (i) I am

The applicant is not the proprietor of the The appellant is dominium utile of every part of the land to which the accompanying application appeal dated (a)

(a) Insert date of application or appeal

relates and *have has taken the steps listed below, being steps reasonably open to *me him, to ascertain the names and addresses

of all persons, other than *myself/himself who are occupiers or owners of the land and *have/has been unable to do so.

(b) Insert description of steps taken

(b).....
.....
.....

(c) Insert name of local newspaper circulating in the locality in which the land is situated

(ii) Notice of the *application/appeal as set out below has been published in the (c).....
.....

(d) Insert date of publication (which must not be earlier than 21 days before the application or appeal).

on (d)

Copy of notice as published

[Whichever is appropriate of these alternatives should form part of any certificate A B C or D above].

*2. None of the land to which the *application/appeal relates constitutes or forms part of an agricultural holding;

or:—

*2. I have
*The applicant has given the requisite notice to every
The appellant has
person other than *myself/himself who, 21 days before the date of the *application/appeal, was a tenant of any agricultural holding any part of which was comprised in the land to which the *application/appeal relates, viz:—

Name of Tenant Address Date of service of notice

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate.

PART II

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

TOWN AND COUNTRY (GENERAL DEVELOPMENT) (SCOTLAND) ORDER 1975

Notice under Article 16 of application for established use certificate

[Notice for service on individuals]

TAKE NOTICE that application is being made to the

- (a) Insert name of council (a) Council by
- (b) Insert name of applicant (b) for an established use certificate relating to the use of land at
- (c) Insert address or location of land (c)
- (d) Insert use claimed to be established for the purposes of (d)
- (e) Insert address of Council If you wish to make representations about the application, you should make them in writing within 21 days of the date of service of this notice to the Council at (e)

.....

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDER 1975

Notice under Article 16 of application for established use certificate

[Notice for publication in local newspaper]

Notice is hereby given that application is being made to the

- (a) Insert name of Council (a) Council by
- (b) Insert name of applicant (b) for an established use certificate relating to the use of land at
- (c) Insert address or location of land (c)
- (d) Insert use claimed to be established for the purposes of (d)

Any occupier of the land or part thereof, or any owner (including a person entitled to possession of the land under a lease the unexpired period of which is not less than 10 years), who wishes to make representations to the above mentioned Council about the application should make them in writing within 21 days of the date of publication of this notice to the Council at

(e) Insert address of council (e)

.....

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate.

PART III

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND)
ORDER 1975

Notice under Article 16 of appeal against refusal of an established use certificate

[Notice for service on individuals]

TAKE NOTICE that an appeal is being made to the Secretary of State for Scotland by (a)

(a) Insert name of appellant.

(b) Insert name of Council

* (i) against the decision of the (b)Council

* (ii) on the failure of the (b)Council

(c) Insert address or location of land.

to give a decision on an application for an established use certificate relating to the use of (c)

(d) Insert use claimed to be established.

for the purpose of (d).....

If you should wish to make representations to the Secretary of State about the appeal you should make them in writing within 21 days of the date of service of this notice to the Secretary, Scottish Development Department, New St. Andrew's House, Edinburgh EH1 3TB.

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND)
ORDER 1975

Notice under Article 16 of appeal against refusal of an established use certificate

[Notice for publication in local newspaper]

(a) Insert name of appellant.

Notice is hereby given that an appeal is being made to the Secretary of State for Scotland by (a)

.....

PART II

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

Established Use Certificate

- (a) Insert location or address of land. Land at (a)
- (b) Insert colour. more particularly shown ^{edged} *coloured (b)
hatched
on the plan attached hereto.
- (c) Insert name of council. The (c) Council hereby certify that the use of
- (d) Insert description of use. the above land *^{as} for (d)
- (e) Insert date of application for established use certificate. was on (e).....
- (f) Insert "paragraph (a)", "paragraph (b)", or "paragraph (c)" as appropriate. established within the meaning of (f).....
of section 90(1) of the Town and Country Planning (Scotland) Act 1972.

Signed.....

*On behalf of.....

Date.....

NOTE: This certificate is issued for the purposes of section 90 of the Town and Country Planning (Scotland) Act 1972 only. It certifies that the use of the land for the purpose named is not liable to enforcement action under section 84 of that Act, but it is not a grant of planning permission and does not necessarily entitle the owner or occupier of the land to any consequential statutory rights which may be conferred where planning permission has been granted, under Part III of the Town and Country Planning (Scotland) Act 1972.

*Delete where inappropriate.

SCHEDULE 5

Article 17

PART I

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

Notice under section 23(2)

(a) Insert address or location of proposed development. Proposed development at (a).....

(b) Insert name of Council. Notice is hereby given that application is being made to the (b)..... Council by (c)

(c) Insert name of applicant. for planning permission in respect of (d)

(d) Insert description and address or location of proposed development. A copy of the application and of the plans and other documents submitted with it may be inspected at all reasonable hours at (e)

(e) Insert address within locality in which land proposed to be developed is situated. during the period of 21 days beginning with the date of publication of this notice.

(f) Insert address of Council. Any person who wishes to make representations to the above-mentioned Council about the application should make them in writing within that period to the Council at (f)

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate.

PART II

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

Certificate under section 23(2)

Certificate A*

I hereby certify that:—

(a) Insert date of application.

* I
The applicant posted
on the land to which the accompanying application dated
(a).....relates the notice
required by section 23(3) of the Town and Country Planning
(Scotland) Act 1972, and such notice was left in position for not
less than seven days in the period of not more than one month
immediately preceding the making of this application.

Or:—

Certificate B*

I hereby certify that:—

(a) Insert date of application.

* I have
The applicant has been unable to post on the land to which the
accompanying application dated (a).....relates
the notice required by section 23(3) of the Town and Country
Planning (Scotland) Act 1972 because * I have
the applicant has
no such rights of access or other rights in respect of the land as
would enable * me
the applicant to do so.

* I have
The applicant has taken the following steps, namely:—

(b) Insert steps taken.

(b)
.....
to acquire those rights and * have
has been unable to acquire them.

Or:—

Certificate C*

I hereby certify that:—

(a) Insert date of application.

* I
The applicant posted on the land to which the accompanying
application dated (a) relates the notice
required by section 23(3) of the Town and Country Planning
(Scotland) Act 1972, but such notice was left in position for less
than seven days in the period of not more than one month
immediately preceding the making of this application because
it was, without any fault or intent of * mine
the applicant's
removed
* obscured or defaced before seven days had elapsed in the said
period of not more than one month.

(b) Insert steps taken.

* I
The applicant took the following steps for the protection and,
where necessary, replacement of the notice, namely:—
(b)
.....

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate.

PART III

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

Notice under section 23(3)

(a) Insert address or location of proposed development. Proposed development at (a).....
 TAKE NOTICE that application is being made to the
 (b) Insert name of council. (b).....
 (c) Insert name of applicant. Council by (c).....
 for planning permission to carry out the following development on the above land, namely:—
 (d) Insert description of proposed development. (d).....
 A copy of the application for planning permission and of all plans and other documents relating thereto may be inspected by members of the public at (e).....
 (e) Insert address of place where the application is available for inspection.
 (f) Insert date not less than 21 days later than the date on which the notice was first posted. at all reasonable hours until (f)

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate.

SCHEDULE 6

PART I

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

Certificate under section 24

Certificate A* I hereby certify that:—
 1. I am
 *The applicant is the proprietor of the dominium utile
 The appellant is the lessee under a lease
 of every part of the land to which the accompanying
 (a) Insert date of application or appeal. *application dated (a).....
 *appeal relates;
 Or:—
 Certificate B* I hereby certify that:—
 I have
 1. *The applicant has given the requisite notice to all the
 The appellant has

persons who, 21 days before the date of the accompanying *application, appeal were owners of any of the land to which the *application, appeal relates, viz.

Name of Owner Address Date of Service of notice

Or:—

Certificate C* I hereby certify that:—

I am 1. (i) *The applicant is unable to issue a certificate in accordance with either paragraph (a) or paragraph (b) of section 24(1) of the Town and Country Planning (Scotland) Act 1972 in respect of the accompanying *application, appeal dated (a).....

(a) Insert date of application or appeal.

I have (ii) *The applicant has given the requisite notice to the following persons who, 21 days before the date of the *application, appeal, were owners of the land, or part thereof, to which the *application, appeal, relates, viz:—

Name of owner Address Date of Service of notice

I have (iii) *The applicant has taken the steps listed below, being steps reasonably open to *me/him, to ascertain the names and addresses of the other owners of the land or part thereof and *have/has been unable to do so:

(b) Insert description of steps taken.

(b)

(iv) Notice of the *application, appeal as set out below has been published in the (c).....

(c) Insert name of local newspaper circulating in the locality in which the land is situated.

.....

(d) Insert date of publication (which must not be earlier than 21 days before the application or appeal).

on (d)

Copy of notice as published

Certificate D*

Or:—
I hereby certify that:—

I am
1. (i) *The applicant is unable to issue a certificate in accordance with section 24(1)(a) of the Town and Country Planning (Scotland) Act 1972 in respect of the accompanying *application dated

(a) Insert date of application or appeal.

(a)
and *have/has taken the steps listed below, being steps reasonably open to *me/him, to ascertain the names and addresses of any of the owners of any of the land to which the *application/appeal relates and *have/has been unable to do so:

(b) Insert description of steps taken.

(b)
.....

(ii) Notice of the *application/appeal as set out below has been published in the (c).....

(c) Insert name of local newspaper circulating in the locality in which the land is situated.

.....
.....

(d) Insert date of publication (which must not be earlier than 21 days before the application or appeal).

on (d)

Copy of notice as published

*2. None of the land to which the *application/appeal relates constitutes or forms part of an agricultural holding;

[Whichever is appropriate of these alternatives should form part of any certificate A, B, C, or D above.]

Or:—
I have
*2. *The applicant has given the requisite notice to every person other than *himself/myself who, 21 days before the date of the *application/appeal was a tenant of any agricultural holding any part of which was comprised in the land to which the *application/appeal relates, viz:—

Name of tenant Address Date of Service of notice

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate.

PART II

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

[Notice for service on individuals].

(a) Insert address or location of proposed development.

(b) Insert name of planning authority.

(c) Insert name and address of applicant.

(d) Insert description and address or location of proposed development.

(e) Insert address of planning authority.

Notice under section 24 of application for planning permission

Proposed development at (a).....

TAKE NOTICE that application is being made to the (b) by (c).....for planning permission to (d).....

If you wish to make representations to the above-mentioned planning authority about the application, you should do so by writing within 21 days of the date of service of this notice to the Council at (e)

Signed.....

Address.....

*On behalf of.....

Date.....

*Delete where inappropriate.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

[Notice for publication in local newspaper.]

(a) Insert address or location of proposed development.

(b) Insert name of planning authority.

(c) Insert name and address of applicant.

(d) Insert description and address or location of proposed development.

(e) Insert address of planning authority.

Notice under section 24 of application for planning permission

Proposed development at (a).....

Notice is hereby given that application is being made to the (b)..... by (c) for planning permission to (d)..... Any owner of the land (including any person entitled to possession of the land under a lease the unexpired period of which is not less than 10 years), who wishes to make representations to the above-mentioned planning authority about the application should do so by writing within 21 days from the date of publication of this notice to the Council at (e).....

Signed.....

Address.....

*On behalf of.....

Date.....

*Delete where inappropriate.

PART III

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

Notice under sections 24 and 33 of appeal

[Notice for service on individuals.]

(a) Insert address or location of proposed development.

(b) Insert name and address of appellant.

(c) Insert name of planning authority.

(d) Insert description and address or location of proposed development.

Proposed development at (a).....

TAKE NOTICE that an appeal is being made to the Secretary of State for Scotland by (b)

* (i) against the decision of the (c)

* (ii) on the failure of the (c).....to give a decision on an application for planning permission to (d).....

If you should wish to make representations to the Secretary of State about the appeal, you should do so by writing within 21 days of the date of service of this notice to the Secretary, Scottish Development Department, New St. Andrew's House, Edinburgh EH1 3TB.

Signed.....

Address.....

*On behalf of.....

Date.....

*Delete where inappropriate.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

Notice under sections 24 and 33 of appeal

[Notice for publication in local newspaper.]

(a) Insert address or location of proposed development.

(b) Insert name and address of appellant.

(c) Insert name of planning authority.

(d) Insert description and address or location of proposed development.

Proposed development at (a).....

Notice is hereby given that an appeal is being made to the Secretary of State for Scotland by (b).....

* (i) against the decision of the (c).....

* (ii) on the failure of the (c).....to give a decision on an application for planning permission to (d).....

Any owner of the land (including any person entitled to possession of the land under a lease, the unexpired period of which is not less than 10 years) who wishes to make representations to the Secretary of State about the appeal should do so by writing within 21 days of the publication of this notice to the Secretary, Scottish Development Department, New St. Andrew's House, Edinburgh EH1 3TB.

Signed.....

Address.....

*On behalf of.....

Date.....

*Delete where inappropriate.

SCHEDULE 7

STATUTORY INSTRUMENTS REVOKED

Title of Instrument	Extent of Repeal
The Town and Country Planning (Application for Planning Permission) (Scotland) Regulations 1948 (S.I. 1948/914 (Rev. XXII, p. 932; 1948 I, p. 4326)).	The whole regulations
The Town and Country Planning (General Development) (Scotland) Order 1950 (S.I. 1950/942; (1950 II, p. 1107)).	The whole order
The Town and Country Planning (General Development) (Scotland) Amendment Order 1958 (S.I. 1958/1653 (1958 II, p. 2331)).	The whole order
The Town and Country Planning (General Development) (Scotland) Order 1959 (S.I. 1959/1361 (1959 II, p. 2653)).	The whole order
The Town and Country Planning (General Development) (Scotland) Amendment Order 1960 (S.I. 1960/1772 (1960 III, p. 3296)).	The whole order
The Town and Country Planning (General Development) (Scotland) Amendment Order 1963 (S.I. 1963/1767 (1963 III, p. 3376)).	The whole order
The Town and Country Planning (General Development) (Scotland) Amendment Order 1964 (S.I. 1964/1791 (1964 III, p. 3934)).	The whole order
The Town and Country Planning (General Development) (Scotland) Amendment Order 1970 (S.I. 1970/600 (1970 I, p. 1894)).	The whole order

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates, with minor amendments, the Town and Country Planning (General Development) (Scotland) Orders 1950 to 1970. In general the amendments are consequential on the Local Government (Scotland) Act 1973 which establishes new planning authorities in Scotland on 16th May 1975.

The Order specifies the procedures governing the grant of planning permission, so far as these are not laid down in the Town and Country Planning (Scotland) Act 1972. It also sets out certain classes of development which are to be regarded as permitted development i.e. development not requiring express planning permission: Schedule 1 to the Order sets out these classes of development in detail (subject to Articles 3 and 4 of the Order). Provision is made for the manner in which applications for planning permission (and certain other applications under Part III of the Act of 1972) are made and dealt with (Articles 5 to 7) and for consultations and directions affecting the grant of planning permission (Articles 8 to 13). Article 14 sets out the procedure for the making of appeals to the Secretary of State; Article 15 deals with planning registers; Article 16 provides for the procedure concerning established use certificates; and Articles 17 and 18 provide for the advertisement of certain classes of application for planning permission.

The principal amendments to the previous Orders are as follows:—

- (a) in Article 2 the definition of “outline planning permission” has been expressed to extend to operations other than the erection of a building;
- (b) Article 4 (directions restricting permitted development) provides for directions to be made normally by general and district planning authorities;
- (c) Article 5 (applications for planning permission) provides for applications to be made to general and district planning authorities; no standard form of application is now prescribed; two additional provisions relating to applications are introduced in that planning authorities are empowered to require further information from applicants to enable the applications to be determined and are required to send to applicants an acknowledgement of planning applications (Articles 5 to 7);
- (d) for the purpose of clarification Article 9 (formerly Article 7 relating to development affecting trunk and special roads) has been re-drafted;
- (e) Article 11 (consultations on application for planning permission) has been extended to require consultation in appropriate cases with river purification authorities;
- (f) in Article 15 (register of applications) the period in which entries in the planning register must be made is reduced from 14 to 7 days from the receipt of the application; and planning authorities are empowered to make arrangements for copies of the relevant part of the planning register to be available in local offices within their district;
- (g) in Article 17 the classes of development for which applications for planning permission require to be advertised under section 23 of the Act are substantially extended;

- (h) in Schedule 1 Part I, rearrangements have been made so as to include in Column 1 a number of limitations on the permission granted which were previously conditions set out in Column 2; Class I now provides for the extent to which an enlargement for example the addition of dormer windows is permitted development and grants permission additionally for oil tanks; the class of permitted development (formerly Class X) relating to war damaged buildings, works and plant has been removed; a number of minor amendments have been made to the class relating to statutory undertakers (Class XV) and a section has been added granting permission for certain developments by the Post Office; and Class XXI, relating to development by planning authorities, is amended so as to permit housing development without planning permission only when it conforms to a development plan;
- (i) several of the forms prescribed in Schedules 3 to 6 have been amended in detail to take account of the new local government structure, and new forms are prescribed in Schedules 2 and 4 relating to the acknowledgement of an application for planning permission and of an established use certificate.

SI 1975/679
ISBN 0-11-050679-0



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