STATUTORY INSTRUMENTS

1997 No. 3061

The Town and Country Planning (Use Classes) (Scotland) Order 1997

Citation and commencement

1. This Order may be cited as the Town and Country Planning (Use Classes) (Scotland) Order 1997 and shall come into force on 2nd February 1998.

Interpretation

2. In this Order, the following expressions have the meanings assigned to them:–

"care" means personal care including the provision of appropriate help with physical and social needs or support; and in class 8 (residential institutions) includes medical care and treatment;

"class" means a class specified in the Schedule to this Order;

"day centre" means non-residential premises which are used for social purposes, recreation, rehabilitation or occupational training and at which care is also provided;

"industrial process" means a process, other than a process carried out in or adjacent to, a mine or quarry, for or incidental to–

(a) the making of any article or part of any article including a ship or vessel or a film, video or sound recording;

(b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or

(c) the getting, dressing or treatment of minerals,

in the course of any use other than agriculture;

"site" means the whole area of land within a single unit of occupation;

"support" means counselling or other help provided as part of a planned programme of care.

Use Classes

3.—(1) Subject to the provisions of this Order, where a building or other land is used for a purpose in any class specified in the Schedule to this Order, the use of that building or that other land for any other purpose in the same class shall not be taken to involve development of the land.

(2) References in paragraph (1) to a building include references to land occupied with the building and used for the same purposes.

(3) A use included in and ordinarily incidental to any use in a class shall not be precluded from that use by virtue of being specified in another class.

(4) Where land on a single site or on adjacent sites used as parts of a single undertaking comprises uses within both class 4 (business) and class 5 (general industrial), those uses may be treated as if they were in a single class in considering the use of that land for the purposes of this Order, provided that the area used for a purpose falling within class 5 (general industrial) shall not be substantially increased as a result.

(5) Nothing in any class shall include any use–

(a) as a theatre;

(b) as an amusement arcade or centre or funfair;

(c) for the sale of fuel for motor vehicles;

(d) for the sale or display for sale of motor vehicles;

(e) for a taxi business or for the hire of motor vehicles;

(f) as a scrapyard or a yard for the breaking of motor vehicles;

(g) for the storage or distribution of minerals;

(h) as a public house;

(i) for any work registrable under the Alkali etc. Works Regulation Act 1906(**1**); or

(j) for the sale of hot food for consumption off the premises.

Change of use of part of building or land

4. In the case of a building used for a purpose within class 9 (houses) the use as a separate house of any part of the building or of any land occupied with and used for the same purposes as the building shall not, by virtue of this Order, be taken as not amounting to development.

Revocation

5. The Town and Country Planning (Use Classes) (Scotland) Order 1989(**2**) and the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1993(**3**) are hereby revoked.

St Andrew's House,
Edinburgh
18th December 1997

Calum MacDonald
Parliamentary Under Secretary of State, Scottish Office

(**1**) 1906 c. 14; amended by S.I.1983/943.
(**2**) S.I. 1989/147.
(**3**) S.I. 1993/1038.