13. MAKING OF APPLICATIONS

The Town and Country Planning (Application for Planning Permission, etc.) (Scotland) Regulations, 1948,

1948 No. 914 (S. 62)

Made - - - -	*29th April*, 1948
Laid before Parliament	*30th April*, 1948
Coming into Operation	*1st July*, 1948

In exercise of the powers conferred on me by subbsections (1) and (3) of section 70, subsections (1) and (2) of section 98 and section 107 of the Town and Country Planning (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf and after consultation with the associations of local authorities concerned, I hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Town and Country Planning (Application for Planning Permission, etc.) (Scotland) Regulations, 1948, and shall come into operation on the 1st day of July, 1948.

(2) In these Regulations—

" the Act " means the Town and Country Planning (Scotland) Act, 1947;

" the Board " means the Central Land Board;

the expression " determination of development charge " means a determination of the Board whether any and if so what development charge is to be paid under the provisions of Part VI of the Act in respect of the carrying out of any operations or in respect of any use of land to which that Part of the Act applies.

(3) The Interpretation Act, 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. An application or a submission—

(*a*) to a local planning authority for planning permission under Part II of the Act in respect of any development;

(*b*) to the Board for a determination of development charge in respect of that development;

(*c*) to a local authority for any consent or approval required in respect of that development under any of the following enactments, that is to say—

(i) the Burgh Police (Scotland) Acts, 1892 to 1903(c);

(a) 10 & 11 Geo. 6. c. 53.
(b) 52 & 53 Vict. c. 63.
(c) 55 & 56 Vict. c. 55; 56 & 57 Vict. c. 25; 1 Edw. 7. c. 24; and 3 Edw. 7. c. 33.

(ii) the Public Health (Scotland) Acts, 1897 to 1945(a) as amended by the Statistics of Trade Act, 1947(b);

(iii) the Roads Improvement Act, 1925(c);

(iv) the Housing (Scotland) Acts, 1925 to 1946(d);

(v) the provisions of any local enactments corresponding to those of the Burgh Police (Scotland) Acts, 1892 to 1903;

(vi) the provisions of any bye-laws regulating the development of land in force in the area of the local authority and made under any of the enactments specified in this Regulation or under the Housing, Town Planning, etc. (Scotland) Act, 1919(e)

shall be combined in one document which shall be a form issued by the local planning authority in or as nearly as may be in the form set out in the Schedule hereto, with such modifications or adaptations as may be appropriate to the area of that authority and as may be agreed with the Board.

3. The form shall, together with such plans and such additional number of signed copies (not exceeding three) of the form and plans as may be required by the local planning authority, be sent by the applicant to the local planning authority who shall transmit one copy of the form and plans—

(*a*) if they are not themselves the local authority whose consent or approval is required in respect of the development under any of the enactments mentioned in paragraph (*c*) of Regulation 2 hereof, to that local authority; and

(*b*) if they grant the planning permission (either unconditionally or subject to conditions), to the Board.

4. An application to a local planning authority for planning permission under Part II of the Act, other than a combined application under Regulation 2 hereof, shall be made on a form issued by the authority and shall include such particulars and shall be accompanied by such plans, together with such additional number of signed copies (not exceeding two) of the form and plans, as may be required by the authority.

5. An application to the Board for the making of a determination of development charge, other than a combined application under Regulation 2 hereof, shall be made on a form issued by or on behalf of the Board and shall include such particulars and shall be accompanied by such plans, together with such additional number of signed copies (not exceeding two) of the form and plans, as may be required by the Board.

6. An application to the Board for confirmation of a determination of development charge shall be made in writing giving particulars of

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(a) 60 & 61 Vict. c. 38; 7 Edw. 7. c. 30; and 9 & 10 Geo. 6. c. 15.
(b) 10 & 11 Geo. 6. c. 39.
(c) 15 & 16 Geo. 5. c. 68.
(d) 15 & 16 Geo. 5. c. 15; 20 & 21 Geo. 5. c. 40; 25 & 26 Geo. 5. c. 41; 1 & 2 Geo. 6. c. 38; 2 & 3 Geo. 6. c. 3; 6 & 7 Geo. 6. c. 22; 7 & 8 Geo. 6. c. 36; 7 & 8 Geo. 6. c. 39; and 9 & 10 Geo. 6. c. 54.
(e) 9 & 10 Geo. 5. c. 60.

the determination in respect of which the application is made and of the circumstances in which confirmation of the determination is required.

7. An application to the Board for the variation of a determination of development charge shall be made on a form issued by or on behalf of the Board at the request of the applicant, and shall include particulars of the determination of development charge in respect of which application is made, the change of circumstances giving rise to the application, the manner in which the applicant desires that the determination should be varied and the manner in which any agreements or securities made or given in respect of the determination should be amended, discharged, modified or released.

8. A local planning authority or the Board may by a direction in writing addressed to the applicant require such further information, in addition to that given in the application made to them, as may be requisite to enable them to determine the matter in respect of which the application is made to be given to them, or such evidence as they may reasonably call for to verify any particulars of information given to them to be produced to the authority or the Board as the case may be.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
29th April, 1948.

SCHEDULE

SECTION A

Application for Planning Permission under the Town and Country Planning (Scotland) Act, 1947, and for any necessary consent or approval under—

(1) the Burgh Police (Scotland) Acts, 1892 to 1903;

(2) the Public Health (Scotland) Acts, 1897 to 1945, as amended by the Statistics of Trade Act, 1947;

(3) the Roads Improvement Act, 1925;

(4) the Housing (Scotland) Acts, 1925 to 1946;

(5) the provisions of any local enactments corresponding to those of the Burgh Police (Scotland) Acts, 1892 to 1903;

(6) the provisions of any bye-laws regulating the development of land in force in the area of the local authority and made under any of the enactments specified above or under the Housing, Town Planning, etc. (Scotland) Act, 1919.

[To the County Council of the County of]
[To the Town Council of the Burgh of]

I/We .....

.....

hereby make application to the $\frac{\text{County}}{\text{Town}}$ Council for any permission, consent

or approval required under any of the above-mentioned enactments, for

.....

.....

in accordance with the particulars given in questions 1 to 6 inclusive in Part I and in Part II of Section C of this Form and with the plans enclosed herewith which accompany this application.

Signature of applicant or agent .....

Date .....

Here state the nature of the proposed development (e.g., erection, rebuilding enlargement of house, shop, change of use, etc.), the address or location of site, and where permission is desired only for a limited period, the extent of that period.

SECTION B

Application for Determination by the Central Land Board of Development Charge under Part VI of the Town and Country Planning (Scotland) Act, 1947.

To the Central Land Board

I/We .....

.....

hereby make application to the Central Land Board to determine whether any, and if so what, development charge is to be paid in respect of the following development, namely:

.....

.....

in accordance with the particulars given in Part I of Section C of this Form and with the plans enclosed herewith which accompany this application.

Signature of applicant or agent* .....

Date .....

Here state the nature of the proposed development and the address or location of the site. (If the application relates only to part of the development for which planning permission is applied for in Section A or for which planning permission has previously been granted, the part should be specified).

* This application may be signed by an agent only if he is expressly authorised by the applicant to make an application for the determination of development charge.

SECTION C

PART I

1. Name and address of applicant.	(In Block Capitals) *Surname* ..... *Other Names* ..... *Postal Address* ..... State whether Mr., Mrs. or Miss .....
2. Name, address and telephone number of agent (if any) acting on applicant's behalf.	*Name* ..... *Postal Address* ..... *Telephone No.* ..... *Profession* .....
3. When is it intended— (*a*) to start the development? (*b*) to finish the development?	(*a*) ..... (*b*) .....
4. What is the estimated cost of any works to be carried out?	
5. *If building operations are proposed,* give description of materials, including colour, to be used in the construction of:— (*a*) outside walls (any special finish to be mentioned): (*b*) roof covering: (*c*) boundary walls or fences:	

N.B.—This question need not be answered if the information is given on the plans.

6. *In the case of the proposed construction of a new or improved access to or from a road*, state the purpose for which the access is required (e.g., for pedestrian or vehicular traffic).	
7. What is the applicant's interest in (or title to) the land?* If none, state what arrangements are being made with the owner.	
8. *In the case of the proposed rebuilding, enlargement, improvement or other alteration of an existing or former building*†—	
(*a*) Was the existing or former building—	(*a*)
(i) erected before 1st July, 1948, and in existence on that day?	(i)
(ii) erected after 1st July, 1948?	(ii)
(iii) demolished or destroyed since 7th January, 1937?	(iii)
(*b*) If the plans submitted do not incorporate a plan of the existing building, what is its present cubic content? (It will suffice if the applicant gives his best estimate.)	(*b*)
(*c*) Has the existing building been enlarged since 1st July, 1948? (If " yes ", the enlargement should be shown on the plans.)	(*c*) Answer " yes " or " no ".
(*d*) Are plans of the destroyed or demolished building available? (If " yes ", they will be asked for later: if " no ", the best information for computing the former cubic content will be asked for.)	(*d*) Answer " yes " or " no ".
9. *In the case where a change of use of land or a building is proposed*—	
(*a*) State the present use (or uses) of the land or building, or the last use (or uses) in the case of a building destroyed since 7th January, 1937. If there is (or was) more than one use, indicate the part allocated to each use.	(*a*)

* In this question, " land " includes buildings.

† If more than one building, particulars should be given for each.

(*b*) State the proposed new use, or where more than one use is proposed, state the new uses and indicate the part of the land or building allocated to each use.	(*b*)
(*c*) State any previous changes of use (or uses) since 1st July, 1948.	(*c*)
(*d*) If the land or building was on occasions before 1st July, 1948, put to uses other than the normal uses, state these occasional uses.	(*d*)
10.—(*a*) Does the applicant claim any exemption from development charge?	(*a*) Answer " yes " or " no ".
(*b*) If " yes ", state the grounds of the claim.	(*b*)

(*Note.*—If the claim for exemption fails, the information in question 11 will be required and applicants who are in any doubt are therefore advised to complete that question in order to avoid unnecessary delay in assessing the charge. Completion of question 11 will not prejudice any claim for exemption.)

11. If the applicant does not claim exemption from development charge, the following information must be supplied:—	
(i) the area of the site;	(i)
(ii) has the applicant acquired, or agreed to acquire (or obtained an option on) the land* since the 1st July, 1948?	(ii) Answer " yes " or " no ".
If " yes ", state—	
(*a*) the purchase price (or grassum). (If the applicant prefers, he may defer giving this information until it is asked for later);	(*a*)
(*b*) from whom acquired (or to be acquired) if from a local authority, charitable body or statutory undertaker.	(*b*) Name ..... Address ....
(iii) particulars of any feu duty, ground annual, stipend, land tax or other fixed charge on the land;*	(iii)
(iv) if leased:—	(iv)
(*a*) the date of termination of the lease;	(*a*)
(*b*) the gross annual value appearing in the Valuation Roll;	(*b*)

* In this question, "land" includes buildings.

(v) brief particulars of any restrictions, servitudes and the like which burden or benefit the land;*	(v)
(vi) whether the applicant has any rights of support or compensation in lieu in respect of mineral workings;	(vi) Answer " yes " or " no ".
(vii) (*a*) whether the applicant has an interest in (or title to) any land* adjacent to the land to be developed, or an option to obtain such an interest (or title);	(vii) (*a*) Answer " yes " or " no ".
(*b*) if " yes ", give the address or location;	(*b*)
(viii) whether any capital expenditure has been incurred since 1st July, 1948, on any other land for the benefit of the land.*	(viii) Answer " yes " or " no ".
If " yes ", state—	
(*a*) the address or location of the other land, .	(*a*)
(*b*) the Board's reference number of the other land (if known).	(*b*)

12.—(i) If the applicant wishes to make an offer of the amount of development charge he is prepared to pay, state the amount.	(i)
(ii) (*a*) Is the applicant willing to pay the development charge as a single capital payment before the development is started?	(ii) (*a*) Answer " yes " or " no ".
(*b*) If " no ", state the reason and alternative proposals.	(*b*)

PART II

Additional information to be furnished in the case of development in the landward areas of counties

Nature of damp courses (*a*) in outside walls ..... (*b*) in partitions .....

Material for roof construction ..... size of sleeper joists..... ceiling joists .....

Rafters ..... oxters ..... ties ..... slate, tile or other covering .....

* In this question, " land " includes buildings.

Material for covering ground under house .....
Subsoil drain .....

House drain (*a*) size ..... (*b*) material .....
(*c*) joints ..... (*d*) outfall .....

Water closets: number ..... pattern .....

Soil pipes: size ..... material .....
weight ..... joints .....

Description of Privy ..... description of ashbin or ashpit .....

Waste pipes: size ..... material .....
weight ..... joints .....

Rainwater pipes: size ..... material .....
weight ..... joints .....

Water supply: state nature and source of supply .....

Water supply pipes: material ..... diameter .....
weight of gauge .....

Overflow from cisterns, how discharged? .....

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations provide for the combination in one document of—

(*a*) an application to a local planning authority for planning permission under Part II of the Town and Country Planning (Scotland) Act, 1947, in respect of any development,

(*b*) an application to the Central Land Board for a determination under Part VI of the Act whether any and if so what development charge is to be paid in respect of that development, and

(*c*) an application or a submission to a local authority for any consent or approval required in respect of that development under certain enactments specified in the Regulations,

and prescribe the form to be used for the purpose of such a combined application and the action required to be taken by the applicant and by the local planning authority with respect to that form. The Regulations also prescribe the manner in which an application—

(*a*) to a local planning authority for planning permission under Part II of the Act, or

(*b*) to the Central Land Board for the making, confirmation or variation of any determination,

not being an application required to be made on the form prescribed, is to be made, and the particulars, evidence and plans to be included in or, as the case may be, to accompany that application.