19. *Repairs to pipes, cables and other apparatus*

The carrying out of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose.

20. *Sea and River Defence Works*

The carrying out of operations solely required for sea or river defence works.

EXPLANATORY NOTE

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

These Regulations, which are made under Section 66 (2) (*b*) of the Town and Country Planning (Scotland) Act, 1947, specify the operations and uses of land which are exempt from development charge. They replace the Town and Country Planning (Development Charge Exemptions) (Scotland) Regulations, 1948. (S.I. 1948, No. 1382).

The main differences from the exemptions in the previous Regulations are that the amount by which a dwellinghouse may be enlarged, on rebuilding or otherwise, is increased (paragraph 1 of the Schedule), that a new exemption is introduced in respect of the conversion of houses into flats (paragraph 2) and that the changes of use which may take place without charge are considerably extended (paragraph 3).

The Town and Country Planning (General Development) (Scotland) Order, 1950

1950 No. 942 (S. 65)

Made - - - -	9*th June*, 1950
Laid before Parliament	9*th June*, 1950
Coming into Operation	20*th June*, 1950

ARRANGEMENT OF ARTICLES

Article

1. Application, citation, and commencement.
2. Interpretation.
3. Permitted development.
4. Directions restricting permitted development.
5. Applications for planning permission and for determination under section 15.
6. Directions restricting the grant of planning permission.
7. Special provisions as to planning permission for development affecting trunk roads and special roads.
8. Development not according with the development plan.
9. Consultation as to applications for planning permission.

Article
10. Reference of applications to the Secretary of State.
11. Appeals.
12. Register of applications.
13. Directions and notices.
14. Revocation of previous development orders and savings.

FIRST SCHEDULE

PART I.—PERMITTED DEVELOPMENT

Class
I. Development within the curtilage of a dwellinghouse.
II. Sundry minor operations.
III. Changes of use.
IV. Temporary buildings and uses.
V. Agricultural buildings, works and uses.
VI. Forestry buildings and works.
VII. Development for industrial purposes.
VIII. Repairs to private streets and private ways.
IX. Repairs to services.
X. War damaged buildings, works and plant.
XI. Development under local or private Acts or Orders.
XII. Development by Local Authorities.
XIII. Development by Local Highway Authorities.
XIV. Land drainage works.
XV. Development by sewerage authorities.
XVI. Development by Statutory Undertakers.
XVII. Development by mineral undertakers.
XVIII. Development by the National Coal Board.
XIX. Development sanctioned by a Government Department.
XX. Peat.
XXI. Uses of aerodrome buildings.
XXII. Development by Local Planning Authorities.

PART II.—STANDARD CONDITIONS

SECOND SCHEDULE

I. 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).

In exercise of the powers conferred on me by sections 11, 12, 14 and 15 of the Town and Country Planning (Scotland) Act, 1947(a) and section 9 of the Special Roads Act, 1949(b) 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, in the event of a special development order being made in relation to any such land, this Order shall apply thereto to such extent only and subject to such modifications as may be specified in the special order.

(2) This Order may be cited as the Town and Country Planning (General Development) (Scotland) Order, 1950, and shall come into force on the 20th day of June, 1950.

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, 1947 ;

" 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 " have the meanings assigned to those expressions by the Agriculture (Scotland) Act, 1948(c) ;

" aqueduct " does not include an underground conduit ;

" building " does not include plant or machinery or a structure or erection of the nature of plant or machinery but includes any other structure or erection and any part of a building as so defined ;

" classified road ", " road " and " trunk road " have the meanings assigned to those expressions by the Trunk Roads Acts, 1936(d) and 1946(e) ; 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 ;

" contravention of previous planning control " in relation to any development has the same meaning as for the purposes of section 72 of the Act ;

" development affecting trunk roads " means

(*a*) the formation, laying out or alteration of any means of access to a trunk road ; and

(*b*) any other development of land within 220 feet from the middle of a trunk road or such lesser or greater distance as may be specified in relation to trunk roads generally or to a particular trunk road by directions given under paragraph (3) of Article 9 of this Order ;

" development plan " means a development plan as approved or made by the Secretary of State or as for the time being amended, under Part II of the Act ;

(a) 10 & 11 Geo. 6. c. 53. (b) 12, 13 & 14 Geo. 6. c. 32.
(c) 11 & 12 Geo. 6. c. 45. (d) 1 Edw. 8 & 1 Geo. 6. c. 5.
(e) 9 & 10 Geo. 6. c. 30.

" 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;

" local highway authority " in relation to a road, means the local authority responsible (otherwise than as agents) for the maintenance of the road;

" mine " includes any site on which mining operations are carried on;

" mineral undertakers " means undertakers engaged in mining operations and includes undertakers licensed under the Petroleum (Production) Act, 1934(**a**), 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;

" original " means, in relation to a building existing on 1st July, 1948, as existing on that date; in relation to a building not so existing but destroyed or demolished at any time since 7th January, 1937, as existing immediately prior to that time; and in relation to a building built on or after 1st July, 1948, as so built;

" private street " means any street maintained or liable to be maintained by any person other than a local 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, 1930(**b**);

" 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 (excluding refreshments other than eatables not cooked on the premises, and beverages) by retail, and without prejudice to the generality of the foregoing, includes a building used for the purposes of a hairdresser, undertaker, ticket agency or receiving office for goods to be washed, cleaned or repaired, or for other purposes appropriate to a shopping area, but does not include a building used as an amusement arcade, pin-table saloon, funfair, garage, petrol filling station, hotel or premises licensed for the sale of exciseable liquors for consumption on the premises;

" unclassified road " means a road other than a trunk or classified road.

(2) The Interpretation Act, 1889(**c**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(**a**) 24 & 25 Geo. 5. c. 36. (**b**) 20 & 21 Geo. 5. c. 43.
(**c**) 52 & 53 Vict. c. 63.

Permitted development

3.—(1) Subject to the subsequent provisions of this Order, development of any class specified in the First Schedule to this Order is permitted by this Order and may be undertaken upon land to which this Order applies, without the permission of the local planning authority or the Secretary of State:

Provided that the permission granted by this Order in respect of any such class of development shall be subject to any condition or limitation imposed in the said First Schedule in relation to that class.

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

(3) Any development of Class XI 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 XI authorised by any 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 either the Secretary of State or the local planning authority is satisfied that it is expedient that development of any of the classes specified in the First Schedule to this Order should not be carried out in any particular area, or that any particular development of any of those classes should not be carried out, unless permission is granted on an application in that behalf, the Secretary of State or the local planning authority 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 those classes:

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

(2) A direction by a local 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 building included in the list compiled or approved under section 28 of the Act or 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 (6) of this Article.

(3) Notice of any direction specifying any particular area given under head (*a*) of paragraph (1) of this Article shall be published by the local planning authority in one or more newspapers, circulating in the locality in which the area is situate 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 head (b) of paragraph (1) of this Article shall be served by the local planning authority 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) Any direction in force immediately before the coming into force of this Order under Article 4 of the Town and Country Planning (General Development) (Scotland), Order, 1948(a), 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.

(6) 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 specified in the First Schedule to this Order, 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 station;

(*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;

(*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

Applications for planning permission and for determination under section 15

5.—(1) Applications for planning permission made to a local planning authority shall be made in accordance with any regulations under section 98 of the Act for the time being in force(b).

(2) Where an applicant so desires, an application may be made under the preceding paragraph for planning permission for the erection of any building subject to the subsequent approval of the authority with respect to any matters relating to the siting, design or external appearance of the building, or the means of access thereto in which case, subject to any directions given under Regulation 8 of the Town and Country Planning (Application for Planning Permission, etc.) (Scotland) Regulations, 1948(b), particulars and plans in regard to those matters shall not be required to be submitted with the application and any permission granted on such an application shall include a condition (with or without other conditions) requiring the approval of the authority with respect to any matters as aforesaid and the approval of the authority shall be obtained with respect to the matters reserved in the permission before the development to which the application relates is commenced.

(a) S.I. 1948 (No. 1030) I, p. 4288. (b) S.I. 1948 (No. 914) I, p. 4326.

(3) An application for an approval required by the last preceding paragraph shall be in writing and shall include such particulars and be accompanied by such plans and drawings as may be required by the local planning authority under the Town and Country Planning (Application for Planning Permission, etc.) (Scotland) Regulations, 1948.

(4) An application for a determination under section 15 of the Act shall be in writing and, unless the application is made as part of an application for planning permission, shall contain particulars of the operations or change of use proposed to be carried out or made, as the case may be, and a description of the land to which such proposal relates.

(5) The period within which the local planning authority shall give notice to the applicant of their decision or determination or of the reference of the application to the Secretary of State shall be the following period from the date of receipt of the application, namely:—

(*a*) in the case of an application referred to in paragraph 1 of Class XVII of the First Schedule hereto, thirty months;

(*b*) in the case of an application for planning permission for development affecting trunk roads, three months; and

(*c*) in any other case, two months,

or such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority.

(6) Every such notice shall be in writing and,

(*a*) in the case of an application for planning permission or approval, where a local planning authority decide to grant such permission or approval subject to conditions or to refuse it, they shall state their reasons in writing and send with the decision a notification in the terms (or substantially in the terms) set out in the Second Schedule hereto;

(*b*) in the case of an application for a determination under section 15 of the Act (whether forming part of an application for planning permission or not), where the local planning authority determine that the carrying out of the proposed operations or the making of a proposed change in the use of land would constitute or involve development of the land, they shall 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 sections 14 and 15 of the Act within one month of receipt thereof.

(7) Where a local planning authority grant planning permission for any development either unconditionally or subject to conditions, that authority shall, if an application to the Central Land Board for the making of a determination of development charge was made at the same time as the application for such permission, forthwith furnish to the Central Land Board a copy of the application for such permission and of the plans or other documents submitted therewith, a copy of such permission and copies or extracts from any correspondence explaining or qualifying the application or the permission.

(8) A local planning authority shall also 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 this Article including information as to the manner in which any such application has been dealt with.

Directions restricting the grant of planning permission

6.—(1) The Secretary of State may give directions restricting the grant of planning permission by a local planning authority 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 local 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

7.—(1) Before granting planning permission for development affecting trunk roads whether unconditionally or subject to conditions, a local planning authority shall consult with the Minister of Transport as he may appoint.

(2) The Minister of Transport may give directions restricting the grant of planning permission by the local planning authority during such period as may be specified in the directions in respect of any development affecting trunk roads, or in respect of such development of any such class as may be so specified, and a local planning authority to whom a direction has been given under this Article shall deal with applications for planning permission for development to which such a direction relates in such manner as to give effect to the terms of the direction.

(3) The provisions of this Article shall apply to any road

(*a*) which is comprised in the route of a special road to be provided by the Minister of Transport in accordance with a scheme under the Special Roads Act, 1949, but has not, for the time being, been transferred to him;

(*b*) which is or is to be provided by the Minister of Transport in pursuance of any Order under that Act, and has not, for the time being, been transferred to any other highway authority,

as if it were a trunk road.

Development not according with the development plan

8. A local planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Secretary of State under this Order grant planning permission for development which does not accord with the provisions of the development plan.

Consultation as to applications for planning permission

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

(*a*) where it appears to the local planning authority that the development is likely to affect land in the area of any neighbouring local planning authority, with that authority;

(*b*) where it appears to the local 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 Minister of Transport;

(*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 local 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 local planning authority, with the National Coal Board ;

(*e*) where the development is of land which is situate within half a mile from any Royal Palace or Park, and might affect the amenities of that Palace or Park, with the Minister of Works ;

(*f*) where the development is of land in an area of special interest notified to the local planning authority by the Nature Conservancy in accordance with section 23 of the National Parks and Access to the Countryside Act, 1949(a), with the Nature Conservancy, except when the Conservancy dispense with this requirement.

(2) Before refusing planning permission or imposing any conditions upon the grant of planning permission for any development of land for the purposes of agriculture, a local planning authority shall consult with the Agricultural Executive Committee for the area in which the land is situate.

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

(4) Where under this Article, a local 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.

Reference of applications to the Secretary of State

10. On referring any application to the Secretary of State under section 13 of the Act, pursuant to a direction in that behalf, a local planning authority shall serve on the applicant notice of the terms of the direction and of any reasons given by the Secretary of State for issuing the direction, and such notice shall inform the applicant that the application has been referred to the Secretary of State and shall contain a statement that the Secretary of State 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 for the purpose, and that the decision of the Secretary of State on the application will be final.

Appeals

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

(*a*) against a decision of a local planning authority refusing planning permission or any approval required under this Order or granting such permission or approval subject to conditions, or

(*b*) against a determination of the local planning authority under section 15 of the Act, or

(a) 12, 13 & 14 Geo. 6. c. 97.

(*c*) on the failure of a local 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 one month of receipt of notice of the decision or determination or the expiry of the appropriate period allowed under paragraph (5) of Article 5 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 local planning authority.

(2) As soon as may be after the receipt of a copy of a notice of appeal, the local planning authority shall furnish to the Secretary of State a copy of the following documents or, where the appeal is against a refusal of planning permission and an application for determination of development charge has been made to the Central Land Board in respect of the same development, two copies thereof :—

(i) the application made to the local planning authority ;

(ii) all relevant plans, drawings and particulars submitted to them ;

(iii) the notice of the decision or determination, if any ;

(iv) all other relevant correspondence with the applicant ;

(v) a statement containing the observations of the local planning authority on the appeal.

Register of applications

12.—(1) Every local planning authority shall keep a register containing the following information, in respect of all land within their area, namely :—

(*a*) particulars of any application for planning permission made to them in respect of any such land, including the name and address of the applicant, the date of receipt of the application, and brief particulars of the development forming the subject of the application ;

(*b*) particulars of any direction given under the Act or this Order in respect of the application ;

(*c*) the decision (if any) of the local 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, whether on appeal or on a reference under section 13 of the Act ;

(*e*) the date and effect of any subsequent approval given in relation to the application.

(2) Such register shall include an index for enabling a person to trace any entry in the register.

(3) Such register shall be kept at an office of the local planning authority.

Directions and notices

13.—(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 101 of the Act and by any regulations made under that section.

Revocation of previous development orders and savings

14.—(1) The Town and Country Planning (General Development) (Scotland) Order, 1948, the Town and Country Planning (General Development) (Scotland) Amendment Order, 1949(**a**), and the Town and Country Planning (General Development) (Scotland) Amendment No. 2 Order, 1949(**b**), are hereby revoked but without prejudice to any permission granted or any determination made thereunder; and any application for planning permission or for a determination under section 15 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 Articles 5, 6, 7, 8 or 9 of the Town and Country Planning (General Development) (Scotland) Order, 1948, shall continue in force and have effect as if given under this Order.

(3) Nothing in this Order shall apply to any permission which is deemed to be granted under section 30 of the Act.

Dated this 9th day of June, nineteen hundred and fifty.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

FIRST SCHEDULE

PART I

Permitted Development

The following development is permitted under Article 3 of this Order subject to the conditions set out in Column (2) opposite the description of that development. The references in that column to standard conditions are to the conditions numbered and set out in Part II of this Schedule.

Column (1) Description of Development	Column (2) Conditions
Class 1.—Development within the curtilage of a dwellinghouse	
(1) The enlargement, improvement or other alteration of a dwellinghouse so long as the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than 1,750 cubic feet or one-tenth whichever is the greater, subject to a maximum of 4,000 cubic feet; 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.	(1) The height of such building shall not exceed the height of the original dwellinghouse. (2) No part of such building shall project beyond the the forwardmost part of the front elevation of the original dwellinghouse. (3) Standard conditions 1 and 2.

(**a**) S.I. 1949 (No. 779) I, p. 4060. (**b**) S.I. 1949 (No. 2304) I, p. 4063.

Column (1) Description of Development	Column (2) Conditions
(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.	(1) The height shall not exceed, in the case of a building with a ridged roof, 12 feet, or in any other case, 10 feet. (2) Standard conditions 1 and 2.
Class II.—Sundry Minor Operations	
(1) The erection or construction of gates, fences, walls or other means of enclosure not exceeding 4 feet in height where abutting on a road used by vehicular traffic or 7 feet in height in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure.	(1) No improvement or alteration shall increase the height above the height appropriate for a new means of enclosure. (2) Standard conditions 1 and 2.
(2) The painting or colouring of the exterior of any building or work otherwise than for purposes of advertisement, announcement or direction.	——
Class III.—Changes of Use	——
Development consisting of a change of use to:— (*a*) use as a light industrial building as defined by the Town and Country Planning (Use Classes) (Scotland) (No. 2) Order, 1948(a), from use as a general industrial building as so defined; (*b*) use as any type of shop from use as (i) a fried fish shop; (ii) a tripe shop; (iii) a shop for the sale of pet animals or birds; or (iv) a cats-meat shop; (*c*) use for any purpose within Class I of the Schedule to the Town and Country Planning (Use Classes) (Scotland) (No. 2) Order, 1948, from use as a restaurant.	

(a) S.I. 1948 (No. 1771) I, p. 4349.

Column (1) Description of Development	Column (2) Conditions
Class IV.—Temporary buildings and uses	
(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 II 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.	(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. (2) Standard conditions 1 and 2.
(2) The use of land (other than a building or the curtilage of a building or the site or curtilage of a building which has been demolished in consequence of war damage) for any purpose on not more than 28 days in total in any calendar year, and the erection or placing of movable structures on the land for the purposes of that use.	Standard conditions 1 and 2.
Class V.—Agricultural buildings, works and uses	
(1) The carrying out on agricultural land, having an area of more than one acre 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.	(1) The height of any buildings or works shall, within 2 miles of the perimeter of an aerodrome, not exceed 10 feet. (2) No part of any buildings (other than movable structures) or works shall be within 80 feet of the metalled portion of a trunk or classified road. (3) Standard conditions 1 and 2.
(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.	——
(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.	(1) Standard condition 1. (2) No excavation shall be made within 80 feet of the metalled portion of a trunk or classified road.

Column (1) Description of Development	Column (2) Conditions
Class VI.—Forestry buildings and works 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 on such land.	(1) The height of any buildings or works within 2 miles of the perimeter of an aerodrome shall not exceed 10 feet. (2) No part of any buildings (other than movable structures) or works shall be within 80 feet of the metalled portion of a trunk or classified road. (3) Standard conditions 1 and 2.
Class VII.—Development for industrial purposes (1) Development of the following descriptions, 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 II 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:— (i) the provision, rearrangement or replacement of private ways or private railways, siding or conveyors; (ii) the provision or rearrangement of sewers, mains, pipes, cables or other apparatus; (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 50 feet in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater; (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 5,000 square feet:	(1) No operations carried out under sub-paragraphs (iii) or (iv) shall materially affect the external appearance of the premises of the undertaking. (2) No building shall be extended or altered under sub-paragraph (iv) where a certificate of the Board of Trade would be required under sub-section (4) of section 12 of the Act if an application for planning permission for that development were made. (3) Standard conditions 1 and 2.

Column (1) Description of Development	Column (2) Conditions
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 aggregate floor space as a reference to the total floor space of those buildings.	
(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.	Standard conditions 1 and 2.
Class VIII.—Repairs to private streets and private ways 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.	——
Class IX.—Repairs to services The carrying out of any works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of any land for that purpose.	——
Class X.—War-damaged buildings, works and plant The rebuilding, restoration or replacement of buildings, works or plant which have sustained war damage.	(1) The cubic content of the original building or of the works or plant shall not be increased save by such amount (if any) as is permitted under Class I or Class VII. (2) There shall be no material alteration from the external appearance immediately before the occurrence of such damage, except with the approval of the local planning authority. (3) Standard conditions 1 and 2.

Column (1) Description of Development	Column (2) Conditions
Class XI.—Development under local or private Acts or Orders 1964/791 Development authorised by any local or private Act of Parliament or by any Order approved by both Houses of Parliament, being an Act or Order which designates specifically both the nature of the development thereby authorised and the land upon which it may be carried out: Provided that planning permission 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, but the local planning authority shall not refuse permission and shall not impose conditions upon the grant thereof, unless they are satisfied that it is expedient so to do on the ground that:— (*a*) the design or external appearance of such building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification so as to conform with such amenity; or (*b*) in the case of a building, bridge, aqueduct, pier 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.	——
Class XII.—Development by local authorities (1) The erection or construction and the maintenance, improvement or other alteration by a local authority of:— (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; (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.	Standard condition 1.
(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.	Standard condition 1.
(3) Any development by a local authority on land to possession of which they are entitled by virtue of a lease or authorisation under the War Damaged Sites Act, 1949(a).	Standard condition 1.

(a) 12, 13 & 14 Geo. 6. c. 84.

Column (1) Description of Development	Column (2) Conditions
Class XIII.—Development by local highway authorities The carrying out by a local highway authority of any works required for the maintenance or improvement of roads, being works carried out on land outside but abutting on the boundaries of the road.	——
Class XIV.—Land drainage works The carrying out of any works required in connection with the improvement or maintenance of watercourses or land drainage works.	——
Class XV.—Development by sewerage authorities Any development by a sewerage authority within the meaning of Part VI of the Public Health (Scotland) Act, 1897(a), and the provisions of the Burgh Police (Scotland) Act, 1892(b), or by a development corporation authorised under section 9 of the New Towns Act, 1946(c), as read along with section 25 (11) of that Act to exercise powers relating to sewerage, being development not above ground level required in connection with the provision, improvement or maintenance of sewers.	——
Class XVI.—Development by Statutory Undertakers 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 situate wholly within the interior of a railway station.	Standard conditions 1 and 2.
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 by 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 the design or external appearance thereof, of bridges or other buildings (not being structures or erections required in connection with the handling of traffic).	Standard conditions 1 and 2.
(2) The use of any land for the spreading of dredgings.	Standard condition 1

(a) 60 & 61 Vict. c. 38. (b) 55 & 56 Vict. c. 55. (c) 9 & 10 Geo. 6. c. 68.

Column (1) Description of Development	Column (2) Conditions
C. *Water or Hydraulic Power Undertakings* Development required for the purposes of the undertaking of any of the following descriptions, that is to say:— (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, on, over or under the operational land of the undertaking *except* (*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, exceeding 50 feet in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.	Standard conditions 1 and 2.
D. *Gas Undertakings* Development required for the purposes of the undertaking of any of the following descriptions, that is to say:— (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) 600 cubic feet in capacity; (iii) any other development carried out in, on, over or under the operational land of the undertaking *except*:— (*a*) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings; (*b*) the installation of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 50 feet in height or capable, without addition, of being extended to a height exceeding 50 feet; (*c*) the replacement of any plant or machinery, or structures or erections of the nature of plant or machinery, to a height exceeding 50 feet or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.	Standard conditions 1 and 2.
E. *Electricity Undertakings* Development required for the purposes of the undertaking of any of the following descriptions, that is to say:— (i) the laying underground of pipes, cables, or other apparatus;	Standard conditions 1 and 2.

Column (1) Description of Development	Column (2) Conditions
(ii) the installation in an electric line of feeder pillars or transforming or switching kiosks or chambers not exceeding (except when constructed underground elsewhere than under a road) 1,000 cubic feet in capacity; (iii) the installation of service lines to individual consumers from an electric line; (iv) any other development carried out in, on or under the operational land of the undertaking *except*:— (*a*) the erection, or the reconstruction so as materially to affect the design or external appearance thereof, of buildings; or (*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 50 feet in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.	
F. *Tramway or Road Transport Undertakings* Development required for the purposes of the undertaking of any of the following descriptions, that is to say:— (i) the installation of posts, overhead wires, underground cables, feeder pillars, or transformer boxes not exceeding 600 cubic feet in capacity in, on, over or adjacent to a road for the purpose of supplying current to public vehicles; (ii) the installation of tramway tracks, conduits and drains and pipes in connection therewith for the working of tramways; (iii) the installation of telephone cables and apparatus, huts, stop posts, and signs required in connection with the operation of public vehicles; (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; (v) any other development carried out in, on, over or under the operational land of the undertaking, *except*:— (*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, exceeding 50 feet in height, or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.	Standard conditions 1 and 2.

Column (1) Description of Development	Conditions Column (2)
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(a).	
Class XVII.—Development by Mineral Undertakers 1. Where mining operations have been carried out in any land at any time on or after the 15th day of August, 1946, and before the 1st day of July, 1948, (*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 (*b*) under Article 4 of the Town and Country Planning (General Interim Development) Order (Scotland), 1946, the continuation of such mining operations in adjoining land (where they form a continuous operation in relation to the land first mentioned) for a period of four months from 1st July, 1948 (or for such longer period not exceeding six months from 1st July, 1948, as may be allowed in writing in any particular case by the local planning authority); and if during that period an application for planning permission to carry out those operations is made, or by virtue of paragraph 1 of the Tenth Schedule to the Act is treated as having been made, the continuation of such operations until the application (or any appeal in respect thereof) has been dealt with.	Standard conditions 1 and 2.
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 subsection 1 of section 36 of the Coal Industry Nationalisation Act, 1946(b), but not any other coal, in pursuance of planning permission granted or deemed to be granted under Part II of the Act, or which is required in connection with the treatment or disposal of such minerals: Provided that planning permission shall be required for the erection, alteration or extension of a building, but the local planning authority shall not refuse permission and shall not impose conditions upon the grant thereof unless they are satisfied that it is expedient so to do on the ground that (*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	Standard conditions 1 and 2.

(a) 57 & 58 Vict. c. 60. (b) 9 & 10 Geo. 6. 59.

Column (1) Description of Development	Column (2) Conditions
(*b*) the proposed building or extension ought to be, and can reasonably be, sited elsewhere.	
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.	Standard conditions 1 and 2.
Class XVIII.—Development by the National Coal Board Development of the following descriptions carried out by the National Coal Board, or their lessees or licencees:—	Standard conditions 1 and 2.
(1) The winning and working underground, in a mine commenced before 1st July, 1948, of coal or other minerals mentioned in paragraph 1 of the First Schedule to the Coal Industry Nationalisation Act, 1946, and any underground development incidental thereto;	
(2) Any development required in connection with 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: Provided that planning permission shall be required in respect of the erection, alteration or extension of a building, but the local planning authority shall not refuse permission and shall not impose conditions on the grant thereof unless they are satisfied that it is expedient so to do on the ground that:—	
(*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	
(*b*) that the proposed building or extension ought to be, and can reasonably be, sited elsewhere.	
(3) The deposit of waste materials or refuse resulting from colliery production activities as defined by paragraph 2 of the First Schedule 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.	
Class XIX.—Development sanctioned by a Government Department 1. Development by a local authority or by statutory undertakers which has been 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, 1948, or by the Secretary of State for Scotland whether before or after the commencement of this Order:	——

Column (1) Description of Development	Column (2) Conditions
Provided that— (i) development sanctioned by the Secretary of State after the commencement of this Order shall be permitted by this Order only to the extent specified in the sanction; (ii) development sanctioned by the Secretary of State after the commencement of this Order, not being development by a local authority who are the local 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 local planning authority of the application and have furnished the Secretary of State with a statement that this has been done. For the purposes of this paragraph, development shall be deemed to be sanctioned by a government department including the Secretary of State if— (*a*) any 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*) authority is given by the department for the borrowing of money for the purpose of the development, or for the application for that purpose of any money not otherwise so applicable; or (*e*) any 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.	
2. The erection of any overhead electric line authorised by the Minister of Fuel and Power before 1st July, 1948.	Standard condition 2.
Class XX.—Peat The winning and working of peat by any person for the domestic requirements of that person.	Standard condition 1.
Class XXI.—Uses of aerodrome buildings The use of buildings on an aerodrome which is vested in or under the control of the Minister of Civil Aviation for purposes connected with the air transport services or other flying activities of such aerodrome.	——

Column (1) Description of Development	Column (2) Conditions
Class XXII.—Development by local planning authorities The carrying out, within their own district, by a local authority who are a local planning authority of:— (*a*) works for the erection, enlargement, improvement or other alteration of a dwellinghouse; (*b*) any development under the Housing (Scotland) Acts, 1925 to 1949, not being development to which the last foregoing sub-paragraph applies; (*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 £5,000.	——

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.

SECOND SCHEDULE

NOTIFICATION TO BE SENT TO APPLICANT ON REFUSAL OF PLANNING PERMISSION OR APPROVAL OR ON THE GRANT OF PLANNING PERMISSION OR APPROVAL SUBJECT TO CONDITIONS. (TO BE ENDORSED ON NOTICES OF DECISION.)

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse planning permission or approval for the proposed development, or to grant planning permission or approval subject to conditions, he may, by giving notice in writing within one month of the receipt of this notice, appeal to the Secretary of State. The appeal should be addressed to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1. *A copy of the notice of appeal must at the same time be sent to the local planning authority.* The Secretary of State 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 for the purpose and the decision of the Secretary of State on the appeal will be final.

The Secretary of State is not, however, required to entertain such an appeal if it appears to him that planning permission or approval for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of section 12 of the Act and of the Town and Country Planning (General Development) (Scotland) Order, 1950, and to any directions given under the Order.

(2) If planning permission is refused or granted subject to conditions, whether by the local 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 such use by the carrying out of any development which has been or would be permitted, he may serve on the local planning authority in whose district the land is situated a purchase notice requiring that authority to purchase his interest in the land in accordance with section 17 of the Town and Country Planning (Scotland) Act, 1947.

(3) In certain circumstances, a claim may be made against the local 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 for determination. The circumstances in which such compensation is payable are set out in sections 18 and 76 of the Town and Country Planning (Scotland) Act, 1947.

EXPLANATORY NOTE

(This Note is not part of this Order, but is intended to indicate its general purport.)

This Order replaces the Town and Country Planning (General Development) (Scotland) Order, 1948 (as amended by two subsequent Orders).

The Order is thus a general Order applicable to Scotland providing for the grant of planning permission for the development of land under Part II of the Town and Country Planning (Scotland) Act, 1947. It reproduces the provisions of the repealed Orders in substantially the same form. Provision is also made (Article 5 (2)) for an application for planning permission for the erection of a building in advance of the submission of detailed plans: and the provisions as to determinations under section 15 of the Act, contained in Article 15 of the previous Order (which was added by the Town and Country Planning (General Development) (Scotland) Amendment Order, 1949), have been included in the Articles in this Order which deal comparably with planning permissions. Powers similar to those exercisable by the Minister of Transport regarding development affecting trunk roads are conferred on him in relation to certain special roads under the Special Roads Act, 1949 (Article 7 (3)). The range of development permitted by the Order is widened in particular by extensions and alterations in Classes I, V, VI and VII and the addition of two new Classes—Class XXI and Class XXII; and the conditions governing such permitted development are set out opposite the description of the development, instead of appearing in different places in the Order.