18. USE CLASSES

The Town and Country Planning (Use Classes) (Scotland) (No. 2) Order, 1948

1948 No. 1771 (S. 154)

Made - - - -	*27th July*, 1948
Coming into Operation	*28th July*, 1948

In exercise of the powers conferred on me by sections 10 and 107 of the Town and Country Planning (Scotland) Act, 1947(a), and of all others powers enabling me in that behalf I hereby make the following Order;

Citation and commencement.

1. This Order may be cited as the Town and Country Planning (Use Classes) (Scotland) (No. 2) Order, 1948, and shall come into force on the 28th day of July, 1948.

Interpretation.

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

(2) In this Order, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, namely:—

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

" building " includes part of a building;

" general industrial building " means an industrial building other than a light industrial building or a special industrial building;

" industrial building " means a building (other than a building in or adjacent to and belonging to a quarry or mine and other than a shop) used for the carrying on of 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 other than agriculture, and for the purposes of this definition the expression " article " means an article of any description, including a ship or vessel;

" light industrial building " means an industrial building (not being a special industrial building) in which the processes carried on or the machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

" office " includes a bank;

(a) 10 & 11 Geo. 6. c. 53. (b) 52 & 53 Vict. c. 63.

" repository " means a building (excluding any land occupied therewith) where storage is the principal use and where no business is transacted other than incidentally to such storage;

" 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 purpose 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 or premises licensed for the sale of exciseable liquors for consumption on the premises;

" special industrial building " means an industrial building used for one or more of the purposes specified in Classes V, VI, VII, VIII, IX and X referred to in the Schedule to this Order;

" wholesale warehouse " means a building where business, principally of a wholesale nature, is transacted and goods are stored or displayed, but only incidentally to the transaction of that business; and references to a building may, except where otherwise provided, include references to land occupied therewith and used for the same purposes.

Use classes.

3.—(1) Where a building or other land is used for a purpose of any class specified in the Schedule to this Order, the use of such building or other land for any other purpose of the same class shall not be deemed for the purposes of the Act to involve development of the land.

(2) Where a group of contiguous or adjacent buildings used as parts of a single undertaking includes industrial buildings used for purposes falling within two or more of the classes specified in the Schedule to this Order as Classes III to X inclusive, those particular two or more classes may, in relation to that group of buildings, and so long as the area occupied in that group by either general or special industrial buildings is not substantially increased thereby, be treated as a single class for the purposes of this Order.

(3) A use which is ordinarily incidental to and included in any use specified in the Schedule to this Order is not excluded from that use as an incident thereto merely by reason of its specification in the said Schedule as a separate use.

(4) Nothing in this Order shall be construed as limiting or restricting the power of a local planning authority under section 12 of the Act to impose conditions on the grant of planning permission.

Revocation of previous Order.

4. The Town and Country Planning (Use Classes) (Scotland) Order, 1948(a), is hereby revoked.

Dated this twenty-seventh day of July, nineteen hundred and forty-eight.

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

St. Andrew's House,
Edinburgh, 1.

(a) S.I. 1948 No. 966.

SCHEDULE

Class I—Use as a shop for any purpose except as:—

(i) a fried fish shop;

(ii) a tripe shop;

(iii) a shop for the sale of pet animals or birds;

(iv) a cats-meat shop.

Class II—Use as an office for any purpose.

Class III—Use as a light industrial building for any purpose.

Class IV—Use as a general industrial building for any purpose.

Class V—Use for the purpose of carrying on any of the following works:—

(*a*) any works which are registrable under the Alkali, etc., Works Regulation Act, 1906(a), except a process ancillary to the getting, dressing or treatment of minerals, carried on in or adjacent to a quarry or mine.

(*b*) (i) any works where, in the manufacture of any product, any acid-forming oxide of nitrogen is evolved;

(ii) any works (not being alkali works as defined in the Alkali, etc., Works Regulation Act, 1906) where muriatic acid gas is evolved as the result of the use of chlorides in a chemical process;

(iii) any works in which sulphuretted hydrogen is evolved as part of a chemical process;

(iv) any works in which any volatile compound of arsenic is evolved in any manufacturing process;

(v) any works for the use or recovery of bisulphide of carbon;

(vi) any works in which crude shale oil is produced, any works in which crude petroleum is refined, and any works in which any product of the refining of crude shale oil or crude petroleum is treated so as to cause the evolution of gases containing any sulphur compound;

(vii) any works for the manufacture of liquid sulphur dioxide or of sulphurous acid or of any sulphite;

(viii) any works in which creosote or any product of the distillation of gas tar or coal tar is distilled or is heated in any manufacturing operation involving the evolution of any noxious or offensive gas;

(ix) any works (not being tar works as defined in the Alkali, etc., Works Regulation Act, 1906, and in (viii) above) in which any wash oil used for the scrubbing of coal gas is distilled, or in which any crude benzole is distilled;

(x) any works in which pyridine is recovered;

(xi) any works in which bromine is made or is used in any manufacturing operation;

(xii) any works in which hydrofluoric acid is evolved in the manufacture of liquid hydrofluoric acid or its compounds;

(xiii) any works in which argillaceous and calcareous materials are used in the production of cement clinker;

(xiv) any works in which by the application of heat, lead is extracted from any material containing lead or its compounds, and works in which compounds of lead are manufactured from metallic lead or its compounds by dry processes which give rise to dust or fumes.

(a) 6 Edw. 7. c. 14.

(SPECIAL INDUSTRIAL GROUP A.)

Class VI—Use for the purpose of carrying on any of the following processes so far as not included in Class V:—

(i) smelting, calcining, sintering or other reduction of ores or minerals;

(ii) converting, re-heating, annealing, hardening or carburising, forging or casting, of iron or other metals;

(iii) galvanising;

(iv) recovering of metal from scrap;

(v) pickling or treatment of metal in acid;

(vi) chromium plating.

(SPECIAL INDUSTRIAL GROUP B.)

Class VII—Use for the purpose of carrying on any of the following processes so far as not included in Class V or Class VI and except a process ancillary to the getting, dressing or treatment of minerals, carried on in or adjacent to a quarry or mine:—

(i) brick baking and firing;

(ii) lime and dolomite burning;

(iii) carbonisation of coal in coke ovens;

(iv) production of calcium carbide, lampblack or zinc oxide;

(v) crushing or screening of stone or slag.

(SPECIAL INDUSTRIAL GROUP C.)

Class VIII—Use for any of the following processes so far as not included in Class V or Class VI:—

(i) The production or employment of—

(*a*) cyanogen or its compounds;

(*b*) liquid or gaseous sulphur dioxide;

(*c*) sulphur chlorides;

(ii) Salt glazing;

(iii) Sintering of sulphur bearing materials;

(iv) The manufacture of glass, where the sodium sulphate used exceeds 1.5 per cent. of the total weight of the melt;

(v) The production of ultramarine or zinc chloride.

(SPECIAL INDUSTRIAL GROUP D.)

Class IX—Use for any of the following purposes, so far as not included in Class V or Class VI:—

The distilling, refining or blending of oils, the production or employment of cellulose lacquers (except their employment in garages in connection with minor repairs), hot pitch or bitumen or pyridine; the stoving of enamelled ware; the production of amyl acetate, aromatic esters, butyric acid, caramel, hexamine, iodoform, B-naphthol, resin products, salicylic acid, or sulphonated organic compounds; paint and varnish manufacture (excluding mixing, milling and grinding); the production of rubber from scrap; or the manufacture of acetylene from calcium carbide.

(Special Industrial Group E.)

Class X—Use for the purpose of carrying on any of the following industries, businesses or trades so far as not included in Class V or Class VI:—

Animal charcoal manufacturer.

Blood albumen maker.

Blood boiler.

Bone boiler or steamer.

Bone burner.

Bone grinder.

Breeder of maggots from putrescible animal matter.

Candle maker.

Catgut manufacturer.

Chitterling or nettlings boiler.

Dealer in rags or bones (including receiving, storing, sorting or manipulating rags in or likely to become in an offensive condition, or any bones, rabbit-skins, fat or putrescible animal products of a like nature).

Fat melter or fat extractor.

Fellmonger.

Fish curer.

Fish oil manufacturer.

Fish skin dresser or scraper.

Glue maker.

Gut scraper or gut cleaner.

Knacker.

Leather dresser.

Maker of meal for feeding poultry, dogs, cattle, or other animals from any fish, blood, bone, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia.

Manufacturer of manure from bones, fish, fish offal, blood, spent hops, beans or other putrescible animal or vegetable matter.

Parchment maker.

Size maker.

Skin drier.

Soap boiler.

Tallow melter or refiner.

Tanner.

Tripe boiler or cleaner.

(Special Industrial Group F.)

Class XI—Use as a wholesale warehouse for any purpose, except storage of offensive or dangerous goods.

Class XII—Use as a repository for any purpose, except storage of offensive or dangerous goods.

Class XIII—Use as a building for public worship or religious instruction or for the social or recreational activities of the religious body using the building.

Class XIV—Use as a residential or boarding school, a residential college, an orphanage or a home or institution providing for the boarding, care and maintenance of children (other than a hospital, home, hostel or institution included in Class XVIII or Class XIX).

Class XV—Use as a boarding or guest house, a residential club, a hostel or a hotel providing sleeping accommodation.

Class XVI—Use (other than for lunatics, mental defectives or epileptic persons) as a convalescent home, a nursing home or a hospital.

Class XVII—Use (other than residentially) as a health centre, a school treatment centre, a clinic, a creche, a day nursery or a dispensary, or use as a consulting room or surgery unattached to the residence of the consultant or practitioner.

Class XVIII—Use as a hospital, home, or institution for lunatics, mental defectives or epileptic persons.

Class XIX—Use as a home, hostel or institution in which persons may be detained by order of a court or which is approved by one of His Majesty's Principal Secretaries of State for persons required to reside there as a condition of a probation order.

Class XX—Use as a theatre, a cinema or a music hall.

Class XXI—Use as an art gallery (other than for business purposes), a museum, a public library or a public reading room.

Class XXII—Use as a dance hall, a skating rink, a swimming bath, a turkish or other vapour or foam bath, or a gymnasium or for indoor games.

Class XXIII—Use as a public hall, a concert hall, an exhibition hall, a social centre, a community centre or a non-residential Club.

EXPLANATORY NOTE

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

Section 10 of the Town and Country Planning (Scotland) Act, 1947, provides *inter alia* that the making of any material change in the use of any buildings or other land shall be " development " for the purposes of that Act: but that in the case of buildings or other land which are used for a purpose of any class specified in an order made under the section, the use thereof for any other purpose of the same class shall not be deemed to involve development. This Order specifies the classes accordingly and revokes the Town and Country Planning (Use Classes) (Scotland) Order, 1948 (S.I. 1948, No. 966). The present Order differs from the Order which it revokes in that it is now expressly provided in paragraph (4) of Article 3 that the provisions of the Order do not in any way limit or restrict the power of a local planning authority under section 12 of the Town and Country Planning (Scotland) Act, 1947, to impose conditions on the grant of planning permission.