
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 35

**The Town and Country Planning (General
Permitted Development and Use Classes)
(Scotland) Miscellaneous Amendment Order 2023**

Part 2

**Amendment of the Town and Country Planning (General
Permitted Development) (Scotland) Order 1992**

Amendment of Part 3 of schedule 1

- 8.** In Part 3 (changes of use)—
- (a) in class 10 (development consisting of a change of use of a building or land) in paragraph (1)—
 - (i) for “class 1 (shops)” substitute “class 1A (shops and financial, professional and other services)”,
 - (ii) omit sub-paragraph (a),
 - (b) in class 11 (development consisting of a change of use of a building or land to a use within class 2 (financial, professional and other services) from a use within class 3 (food and drink) or a use for the sale of hot food for consumption off the premises), for “class 2 (financial, professional and other services)” substitute “class 1A (shops and financial, professional and other services)”.
 - (c) after class 11 insert—

“Class

11A.—(1) Development consisting of a change of use of a building to a use within class 3 (food and drink) from a use—

- (a) within class 1A (shops and financial, professional and other services),
- (b) as a betting shop,
- (c) as a pay day loan shop, or
- (d) for the sale of hot food for consumption off the premises.

Limitations

- (2) Development is not permitted by this class if—
 - (a) it would result in the change of use of a building unit situated below any part of a dwelling, or
 - (b) it would result in the change of use of a building or a building unit which is within 1 metre of a dwelling.

Interpretation

(3) For the purposes of paragraph (2)(b) of this class when measuring the distance of 1 metre no account is to be taken of any communal access.

(4) In this class—

“building unit” means a part of a building which is designed or altered to be used separately,

“communal access” means a passage, stairs or landings within a building which constitute a common access to two or more building units.

Class

11B.—(1) Development consisting of a change of use of a qualifying building or qualifying building unit to a use within class 4 (business) from a use—

- (a) within class 1A (shops and financial, professional and other services),
- (b) within class 3 (food and drink),
- (c) as a betting shop,
- (d) as a pay day loan shop, or
- (e) for the sale of hot food for consumption off the premises.

Interpretation

(2) In this class—

“building unit” means a part of a building which is designed or altered to be used separately,

“qualifying building” means a building with a floor area of no more than 300 square metres,

“qualifying building unit” means a building unit with a floor area of no more than 300 square metres.”,

(d) for class 13A (development consisting of a change of use of a building of land) substitute—

“Class

13A.—(1) Development consisting of a change of use of a building or land from use as a betting office or pay day loan shop to a use within class 1A (shops and financial, professional and other services.”.