



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

##### *Requirement for planning permission*

#### **28 Development requiring planning permission**

- (1) Subject to the following provisions of this section, planning permission is required for the carrying out of any development of land.
- (2) Where planning permission to develop land has been granted for a limited period, planning permission is not required for the resumption, at the end of that period, of its use for the purpose for which it was normally used before the permission was granted.
- (3) Where by a development order planning permission to develop land has been granted subject to limitations, planning permission is not required for the use of that land which (apart from its use in accordance with that permission) is its normal use.
- (4) Where an enforcement notice has been served in respect of any development of land, planning permission is not required for the use of that land for the purpose for which (in accordance with the provisions of this Part) it could lawfully have been used if that development had not been carried out.
- (5) In determining for the purposes of subsections (2) and (3) what is or was the normal use of land, no account shall be taken of any use begun in contravention of this Part or of previous planning control.
- (6) For the purposes of this section a use of land shall be taken to have been begun in contravention of previous planning control if it was begun in contravention of Part II of the 1947 Act or Part III of the 1972 Act.

- (7) Subsection (1) has effect subject to Schedule 2 (which contains exemptions for certain uses of land on 1st July 1948).

## **29 Granting of planning permission: general**

- (1) Planning permission may be granted—
- (a) by a development order,
  - (b) by the planning authority (or, where this Part so provides, by the Secretary of State) on application to the authority in accordance with regulations or a development order,
  - (c) on the adoption or approval of a simplified planning zone scheme or alterations to such a scheme in accordance with section 49 or, as the case may be, section 53, or
  - (d) on the designation of an enterprise zone or the approval of a modified scheme under Schedule 32 to the Local Government Planning and Land Act 1980 in accordance with section 55 of this Act.
- (2) Planning permission may also be deemed to be granted under section 57 (development with government authorisation).
- (3) This section is without prejudice to any other provisions of this Act providing for the granting of permission.