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STATUTORY INSTRUMENTS

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**1992 No. 224 (S.18)**

**TOWN AND COUNTRY PLANNING, SCOTLAND**

**The Town and Country Planning (General  
Development Procedure) (Scotland) Order 1992**

<i>Made</i>	- - - -	<i>11th February 1992</i>
<i>Laid before Parliament</i>		<i>21st February 1992</i>
<i>Coming into force</i>	- -	<i>13th March 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 21(2)(b) and (3), 22(1)(b) and (c) and (2), 23(1) and (2), 24(6), 28 (as read with regulation 5 of the Environmental Assessment (Scotland) Regulations 1988(1), 31(2), (3) and (5) (as read with paragraph 6 of Schedule 12), 33(2) and (5), 34, 39(1), 51(2), 90(5) and (6) and 273(3) of and Schedule 12 to, the Town and Country Planning (Scotland) Act 1972(2) and of all other powers enabling him in that behalf, hereby makes the following Order:

**PART 1**

**INTRODUCTORY**

**Application, citation and commencement**

1.—(1) This Order shall apply to all land in Scotland.

(2) If a special development order is made, or has been made before the commencement of this Order, in relation to any land, this Order shall apply thereto to such extent only and subject to such modifications as may be specified in the special order.

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(1) [S.I. 1988/1221](#).

(2) [1972 c. 52](#); section 21 was extended by the Telecommunications Act [1984 \(c. 12\)](#), Schedule 4, paragraph 54(2); section 21(2)(b) was amended by the Local Government (Scotland) Act [1973 \(c. 65\)](#) (“the 1973 Act”), section 172(2); section 21(3) was substituted by the Housing and Planning Act [1986 \(c. 63\)](#) (“the 1986 Act”), Schedule 11, paragraph 30; section 22 was amended by the 1973 Act, section 172(2) and by the Local Government and Planning (Scotland) Act [1982 \(c. 43\)](#) (“the 1982 Act”), Schedule 2, paragraph 2; section 23(1) and (2) were substituted by the 1982 Act, section 41; section 28 was amended by the 1973 Act, section 172(2) and Schedule 29 and by the 1982 Act, Schedule 2, paragraph 6, and extended by [S.I. 1988/1221](#); section 31(2) by the 1973 Act, section 172(2) and section 31(5) was added by the 1982 Act, Schedule 2, paragraph 9; section 33(5) was amended by the 1973 act, section 172(2), by the 1982 Act, Schedule 2, paragraph 11(b) and by the 1986 Act, Schedule 11, paragraph 55; section 34 was amended by the 1973 Act, section 172(2) and the 1982 Act, Schedule 2, paragraph 12; section 39(1) was amended by the 1973 Act, section 172(2); section 90(5) was amended by the 1973 Act, section 172(2); Schedule 12, paragraphs 1, 2 and 5 was amended by the 1973 Act, section 172(2).

(3) This Order may be cited as the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 and shall come into force on 13th March 1992.

## Interpretation

2.—(1) In this Order—

“the Act” means the Town and Country Planning (Scotland) Act 1972;

“category A listed building” means a listed building within the meaning of section 52(7) of the Act(3) specified as being category A in a list of buildings compiled or approved and amended as the case may be by the Secretary of State in accordance with that provision(4) as at the date of coming into force of this Order;

“cemetery” includes a burial ground or any other place of interment for the dead;

“district salmon fishery board” has the meaning assigned to it by section 40 of the Salmon Act 1986(5);

“the Fees Regulations” means the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 1990(6);

“historic garden or designed landscape” means a garden or landscape identified in the “Inventory of Gardens and Designed Landscapes in Scotland”(7);

“landscaping” means the treatment of land (other than buildings) being a site or part of a site in respect of which an outline planning permission is granted, for the purpose of enhancing or protecting the amenities thereof and the area in which it is situated, and includes screening by fences, walls or other means, planting of trees, hedges, shrubs or grass, formation of banks, terraces or other earthworks, layout of gardens or courts, and other amenity features;

“listed building” means a listed building within the meaning of section 52(7) of the Act;

“neighbouring land” means land which is conterminous with or within 4 metres of the boundary of land for which the development is proposed but only if any part of such land is within 90 metres of any part of the development in question:

Provided that—

- (a) where the proposed development is taking place within a building divided into separate units “neighbouring land” shall include—
  - (i) those parts of the building conterminous with or within 4 metres of the boundary of that unit; and
  - (ii) all units directly above and below the unit for which the development is proposed and all units directly above and below those parts of the building conterminous with or within 4 metres of the boundary of that unit; and
  - (iii) land outwith the building which is conterminous with or within 4 metres of the boundary of the unit for which the development is proposed;
- (b) where the “neighbouring land” consists of or includes a building divided into separate units, and the proposed development is taking place within a building which is not divided into separate units, only those units of that building which are conterminous with or are within 4 metres of the boundary of the land for which the development is

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(3) section 52(7) was amended by the Housing and Planning Act 1986 (c. 63), Schedule 9, paragraph 13(1).

(4) These lists are held at the offices of Historic Scotland, 20 Brandon Street, Edinburgh EH3 5RA and also within the offices of a general planning authority or district planning authority in respect of their district, where they may be inspected by the public.

(5) 1986 c. 62.

(6) S.I. 1990/563, amended by S.I. 1990/2474.

(7) Published in 1988 by the Countryside Commission for Scotland and the Scottish Development Department, available from the Countryside Commission for Scotland, Battleby, Redgorton, Perth PH1 3EW, price £70, ISBN number 0902226916.

proposed and all parts of the building directly above and below those units shall constitute neighbouring land;

- (c) where the “neighbouring land” consists of or includes a building divided into separate units, and the proposed development is taking place within a building which is also divided into separate units, only those units of the former building which are conterminous with or are within 4 metres of the boundary of the unit for which the development is proposed and all parts of the building directly above and below those units shall constitute neighbouring land;
- (d) where a road falls within the distance of 4 metres measured from the boundary of the land or the boundary of the unit (as the case may be) for which the development is proposed, the width of such road shall be disregarded in calculating the specified distance unless the road is more than 20 metres in width;

“outline planning permission” means a planning permission for the carrying out of building or other operations which is granted subject to a condition (in addition to any other conditions which may be imposed) requiring subsequent approval to be obtained from the planning authority with respect to one or more reserved matters;

“public road” means a road which a roads authority have a duty to maintain;

“reserved matters” in relation to an outline planning permission or an application for such permission, means any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of any building to which the planning permission or the application relates, or the means of access to such building, or the landscaping of the site in respect of which the application was made;

“river purification authority” means a river purification board established under section 135 of the Local Government (Scotland) Act 1973(8) or an islands council;

“scheduled monument” has the meaning given by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979(9);

“slurry” means animal faeces and urine (whether or not water has been added);

“special road” means a road provided or to be provided in accordance with a scheme under section 7 of the Roads (Scotland) Act 1984(10);

“trunk road” means a road or proposed road which is a trunk road within the meaning of section 151 of the Roads (Scotland) Act 1984 that is to say, a road which is a trunk road by virtue of section 5 of that Act or of an order or direction under that section or section 198(2) of the Act;

“waste disposal authority” means a district or islands council exercising its function as a disposal authority under Part I of the Control of Pollution Act 1974(11) or as waste disposal authority under Part II of the Environmental Protection Act 1990(12).

(2) Any reference to a numbered article or Schedule is a reference to the article or as the case may be the Schedule bearing that number in this Order and a reference to a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph having that number in the article or paragraph in the Schedule in which the reference appears.

(3) Any requirement that a form shall be as set out in a specified Schedule shall be construed as meaning a form as so specified or a form substantially to the like effect.

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(8) 1973 c. 65.  
(9) 1979 c. 46.  
(10) 1984 c. 54.  
(11) 1974 c. 40.  
(12) 1990 c. 43.

## PART 2

### PROCEDURE ON APPLICATIONS FOR PLANNING PERMISSION

#### **Application for planning permission**

**3.** An application to a planning authority for planning permission (other than outline planning permission)—

- (a) shall be made on a form issued by and obtainable from the planning authority;
- (b) shall describe the development to which it relates; and
- (c) shall be accompanied by—
  - (i) a plan sufficient to identify the land to which it relates and such other plans and drawings as are necessary to describe the development which is the subject of the application;
  - (ii) such additional copies, not exceeding three, of the form, plans and drawings as may be directed by the planning authority;
  - (iii) one or other of the certificates required under section 24(1) (notification of applications to owners and agricultural tenants) of the Act in the appropriate form as set out in Schedule 1;
  - (iv) where neighbour notification procedure is required to be carried out in accordance with article 9, the certificate referred to in sub-paragraph (4) of that article in the appropriate form set out in Schedule 2 together with a plan showing the location of the neighbouring land in respect of which such notification has been carried out; and
  - (v) any fee payable under the Fees Regulations.

#### **Application for outline planning permission**

**4.—(1)** An application may be made for outline planning permission and, where such permission is granted, the subsequent approval of the planning authority shall be required in respect of such reserved matters as may be specified by the authority in granting the outline planning permission.

(2) An application for outline planning permission—

- (a) shall be made on a form issued by and obtainable from the planning authority;
- (b) shall describe the development to which it relates; and
- (c) shall be accompanied by—
  - (i) a plan sufficient to identify the land to which it relates;
  - (ii) such additional copies, not exceeding three, of the form and plan as may be directed by the planning authority;
  - (iii) one or other of the certificates required under section 24(1) of the Act in the appropriate form as set out in Schedule 1;
  - (iv) where neighbour notification procedure is required to be carried out in accordance with article 9, the certificate referred to in sub-paragraph (4) of that article in the appropriate form set out in Schedule 2 together with a plan showing the location of the neighbouring land in respect of which such notification has been carried out; and
  - (v) any fee payable under the Fees Regulations.

(3) Where the planning authority are of the opinion that in the circumstances of the case the application ought not to be considered separately from all or any of the reserved matters, they shall

within one month from receipt of the application notify the applicant that they are unable to entertain it unless further details are submitted and specify the further details they require.

### **Further applications**

5.—(1) Where planning permission has been granted for development, that development has not been commenced and a time limit imposed by or under section 38 or section 39 of the Act (time limit on the commencement of the development or on an application for approval of reserved matters respectively) has not expired, an application may be made for planning permission for the same development without complying with article 3 or article 4.

(2) An application under paragraph (1) shall be in writing and shall give sufficient information to enable the authority to identify the previous grant of planning permission.

### **Application for approval of reserved matters**

6. An application to a planning authority for approval of reserved matters—

- (a) shall be in writing;
- (b) shall identify the outline planning permission to which it relates; and
- (c) shall be accompanied by—
  - (i) such particulars and such plans and drawings as the authority may require as necessary to enable them to deal with the application;
  - (ii) such number of copies of the relevant application for outline planning permission together with such plans and drawings as were required by the authority to be supplied in relation to the application for outline planning permission;
  - (iii) where neighbour notification procedure is required to be carried out in accordance with article 9, the certificate referred to in sub-paragraph (4) of that article in the appropriate form set out in Schedule 2 together with a plan showing the location of the neighbouring land in respect of which such notification has been carried out; and
  - (iv) any fee payable under the Fees Regulations.

### **Application for determination under section 51**

7.—(1) An application to a planning authority for a determination under section 51 of the Act—

- (a) shall be in writing;
- (b) shall describe the operations or change of use proposed; and
- (c) shall be accompanied by—
  - (i) a plan sufficient to identify the land to which the application relates;
  - (ii) where the proposal relates to carrying out of operations, such plans or drawings as are necessary to show the nature of the operations; and
  - (iii) where the proposal relates to a change of use, details of the proposed use and of the use of the land at the date when the application is made or, where the land is not in active use at that date, details of the purpose for which it was last used.

(2) The planning authority may by a direction require the applicant to furnish such further information as may be specified in the direction, to enable them to deal with the application.

## **Notices to owners and agricultural tenants under section 24**

8. The requisite notices for the purposes of the provisions of section 24 (notification of applications to owners and agricultural tenants) of the Act shall be in the forms set out in Schedule 3.

## **Neighbour notification under section 23(1)**

9.—(1) Subject to the following paragraphs, an applicant for planning permission or for approval of reserved matters under articles 3, 4 or 6 respectively shall notify persons holding an interest in neighbouring land as specified at paragraph (2) below who have not been served under section 24 of the Act with notice of the application by sending them—

- (a) a notice of the application in the form set out in Schedule 4 stating—
    - (i) that the application and plans or drawings relating to it may be inspected in the register kept by the planning authority;
    - (ii) the address at which the application may be so inspected if different from the address of the planning authority shown on the application; and
    - (iii) the period within which the application may be inspected; and
  - (b) a plan showing the situation or location of the development.
- (2) The persons holding a notifiable interest in neighbouring land are—
- (a) in the case of lands and heritages entered in the valuation roll at the date of the application, the persons appearing in the valuation roll in force at that time as being the owners, lessees and occupiers of those lands and heritages; and
  - (b) in the case of lands and heritages not entered in the valuation roll at the date of the application, the owners and occupiers of those lands and heritages.
- (a) (3) (a) The notification in accordance with paragraph (1) of a person holding a notifiable interest in neighbouring land in terms of paragraph (2)(a)
- (i) in each case where the name and address of the owner, lessee or occupier can be ascertained from the valuation roll, shall be sent to such person at his address as entered in the valuation roll;
  - (ii) where information as to the owner, lessee or occupier of neighbouring land or of any premises contained or included in neighbouring land cannot be ascertained from the valuation roll, shall be sent addressed to the Owner' at such land or premises, where the name of the owner cannot be ascertained, to "the Lessee" at such land or premises where the name of the lessee cannot be ascertained and to "the Occupier" at such land or premises where the name of the occupier cannot be ascertained;
- (b) the notification in accordance with paragraph (1) of a person holding a notifiable interest in neighbouring land in terms of paragraph (2)(b) shall be sent addressed in each case to "the Owner", and "the Occupier" at each address of the premises contained or included in the neighbouring land.
- (4) Where it is not possible for the applicant to carry out notification in terms of this article because there are no premises situated on the neighbouring land to which the notification can be sent, the planning authority shall publish a notice in accordance with article 12(5).
- (5) The certificate referred to in articles 3(c)(iv), 4(2)(c)(iv) and 6(c)(iii) shall be in the appropriate form as set out in Schedule 2 stating—
- (a) that notification has been carried out under paragraphs (1) to (3)—
    - (i) in the case of lands and heritages entered in the valuation roll, detailing as appropriate—

- (aa) the names and addresses of those persons having a notifiable interest in neighbouring land who have been notified under paragraphs (1), (2)(a) and (3)(a)(i), with details of their interest, namely that of an owner, lessee or occupier as the case may be; and
  - (bb) the addresses of the premises in respect of which the owner or the lessee or the occupier have been notified in accordance with paragraphs (1), (2)(a) and 3(a)(ii) with details as to whether the notification was sent addressed to “the Owner”, to “the Lessee” or to “the Occupier” or to any or all of them;
  - (ii) in the case of lands and heritages not entered in the valuation roll, listing the addresses of the premises in respect of which the owners, and occupiers have been notified in accordance with paragraphs (1), (2)(b) and (3)(b);
  - (b) that no notification under paragraphs (1) to (3) is required; or
  - (c) that it is not possible to carry out notification for the reason set out at sub-paragraph (4).
- (6) Where neighbouring land is separated from the land on which the development is proposed by a road not exceeding 20 metres in width the planning authority may dispense with the requirements of this article insofar as they relate to such land.

## PART 3

### PROCEDURE BY PLANNING AUTHORITY

#### Registers of applications

10. The register of applications for planning permission and the register of applications for a determination under section 51 of the Act which every planning authority is required to keep under section 31(2) of the Act and under that section as applied by section 51(2) of the Act respectively, shall be kept in the manner specified in Schedule 5.

#### Time limit for entry in registers

11. Every entry in a register and, in the case of a register of applications for planning permission, the placing in part I of the register of the copies of the application, required by paragraph 2 of Schedule 5, shall be made within 7 days of—

- (a) the receipt of an application;
- (b) the giving or making of the relevant direction, decision or approval as the case may be.

#### Procedure on receipt of applications

12.—(1) Any application made under any of articles 3 to 7 of this Order shall be lodged with the planning authority within whose district is situated the development to which the application relates.

(2) On receipt of any such application and any fee required to be paid under the Fees Regulations, the planning authority shall send to the applicant an acknowledgement thereof in the terms set out in the notification in Schedule 6.

(3) An application under any of articles 3 to 6 of this Order shall not be entertained unless it is accompanied by any fee payable under the Fees Regulations.

(4) Where, after sending an acknowledgement as required by paragraph (2) of this article the planning authority form the opinion that the application may be invalid by reason of failure to comply with any of the requirements of articles 3 to 7 or with any other statutory requirements they shall notify the applicant that the application is invalid.

(5) Subject to paragraph (7) below—

- (a) in circumstances where the planning authority has dispensed with the requirements of article 9, in accordance with sub-paragraph (6) of that article, and the applicant has not submitted a certificate under article 3(c)(iv), 4(2)(c)(iv) or 6(c)(iii); or
- (b) where the application relates to development of one or more of the classes of development specified in Schedule 7 (bad neighbour development); or
- (c) where an applicant for planning permission, outline planning permission or reserved matters is unable to notify persons holding an interest in neighbouring land as referred to at article 9(4),

the planning authority shall publish a notice in the form set out in Schedule 8 in a newspaper circulating in the locality in which the neighbouring land is situated, as soon as practicable after the date when the application for planning permission was received by them.

(6) The date when the application was received shall be as specified in article 14(3).

(7) The planning authority shall not publish a notice in accordance with paragraph (5) where a notice has been published by the applicant in accordance with section 24(2) of the Act (notification of applications to owners and agricultural tenants) or is required to be published by the planning authority in accordance with section 25(2)(a) of the Act (publicity for applications affecting conservation areas).

(8) Where the planning authority are required to publish a notice in a newspaper in accordance with paragraph (5), the applicant shall pay the cost to be incurred by the planning authority in arranging such advertisement at the time of submitting his application.

### **Direction by planning authorities requiring further information**

**13.** In respect of an application under articles 3, 4, 5 and 6, a planning authority may by a direction require—

- (a) further information in order to enable them to deal with the application; and
- (b) production of evidence in respect of information accompanying the planning application including plans or drawings.

### **Time periods for decision**

**14.—**(1) Without prejudice to sections 24(4) and 25(3) of the Act, an application under any of articles 3 to 7 shall not be determined until the expiry of a period of 14 days beginning with whichever of the following dates is the later:—

- (a) the date on which the application was received by the planning authority; or
- (b) the date on which a notice in accordance with article 12(5) was published by the planning authority.

(2) Where a valid application under any of articles 3 to 7 has been received by a planning authority, the period within which the authority shall give notice to an applicant of their decision or determination or referral of the application to the Secretary of State or regional planning authority, shall be two months, commencing on the date of receipt of the application or (except where the applicant has already given notice of appeal to the Secretary of State) such extended period as may be agreed upon in writing between the applicant and the planning authority.

(3) For the purposes of this article and article 12 the date when the application was received shall be taken to be—

- (a) in a case where a fee was required to be paid or where the applicant was required to pay the cost of advertisement under article 12(8), the date when the application form, any



certificates required by the Act and the appropriate fee or the cost of advertising or both, were lodged with the planning authority or where these events did not all occur on the same day, the date when the last of such events occurred; or

- (b) in any other case, the date when the application and any certificates required under the Act were lodged with the planning authority.

### **Consultations before grant of planning permission**

**15.**—(1) Before granting planning permission for development in any of the following cases, a planning authority or regional planning authority shall consult with the following authorities or persons:—

- (a) any adjoining planning authority, where it appears to the planning authority that the development is likely to affect land in the district of that authority;
- (b) the British Coal Corporation where the development consists of—
  - (i) 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; or
  - (ii) the provision of a pipeline,

in an area of coal working or former or proposed coal working notified by the British Coal Corporation to the planning authority;

- (c) the British Railways Board or other railway undertakers likely to be affected where the development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway;
- (d) the Countryside Commission for Scotland where the development may affect a historic garden or designed landscape;
- (e) a district salmon fishery board where the development consists of fish farming;
- (f) the Health and Safety Executive where the development includes the manufacture, processing, keeping or use of a hazardous substance in such circumstances that there will at any one time be, or be likely to be, a notifiable quantity of such substance in, on, over or under any land;
- (g) the Nature Conservancy Council for Scotland where it appears to the authority that the development may affect an area of special interest notified to the planning authority by the Nature Conservancy Council in accordance with section 28 of the Wildlife and Countryside Act 1981(13);
- (h) the river purification authority for the area in which the development is to take place, where the development consists of or includes—
  - (i) fish farming;
  - (ii) mining operations;
  - (iii) the carrying out of building or other operations or use of land for the purposes of providing or storing mineral oils and their derivatives;
  - (iv) the carrying out of building or other operations (other than the laying of sewers, the construction of pump-houses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling-houses, single caravans or single buildings in which not more than 10 people will normally reside, work or congregate, and

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(13) 1981 c. 69; section 28 was amended by the Wildlife and Countryside (Amendment) Act 1985 (c. 31), section 2, by the Wildlife and Countryside (Service of Notices) Act 1985 (c. 59), section 1(2), by the Norfolk and Suffolk Broads Act 1988 (c. 4), Schedule 3, paragraph 31(1) and by the Planning (Consequential Provisions) Act 1990 (c. 11), Schedule 2, paragraph 54(1).

- works ancillary thereto) or use of land for the retention, treatment or disposal of sewage, trade-waste, or effluent;
- (v) the carrying out of works or operations in the bed or on the banks of a river or stream;
  - (vi) the use of land as a cemetery; or
  - (vii) the use of land for the deposit of any kind of refuse or waste, including slurry or sludge;
- (i) the roads authority concerned, 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 planning authority are not also the roads authority;
  - (j) the Secretary of State, in the case of—
    - (i) (aa) a trunk road;
    - (bb) a proposed trunk road or a proposed special road, being a road the route of which is shown as such in the development plan, or in respect of which the Secretary of State has given notice in writing to the planning authority of his proposal, together with maps or plans sufficient to identify the proposed route of the road;
    - (cc) any road which is comprised in the route of a special road to be provided by the Secretary of State in accordance with a scheme under section 7 of the Roads (Scotland) Act 1984<sup>(14)</sup> relating to special roads, and which has not for the time being been transferred to him; or
    - (dd) any road which has been or is to be provided by the Secretary of State in pursuance of an order under the provisions of the said Act relating to trunk roads and special roads and has not for the time being been transferred to any roads authority,

where either the development constitutes development of land within 67 metres of the middle of such a road or the development consists of or includes the formation, laying out or alteration of any means of access to such a road;

    - (ii) development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a trunk road;
    - (iii) development of land which is situated within 800 metres from any Royal Palace or Park, and might affect the amenities of that Palace or Park;
    - (iv) development which may affect a historic garden or designed landscape;
    - (v) development which may affect the site of a scheduled monument;
    - (vi) development which may affect a category A listed building;
  - (k) the Theatres Trust where the development involves any land on which there is a theatre as defined in the Theatres Trust Act 1976<sup>(15)</sup>; and
  - (l) the waste disposal authority where the development is within 250 metres of land which—
    - (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and
    - (ii) has been notified to the planning authority by the waste disposal authority for the purposes of this provision.

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<sup>(14)</sup> 1984 c. 54.

<sup>(15)</sup> 1976 c. 27.

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

(3) Where under this article, a 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 and shall not determine the application until after the expiration of the period of such notice.

(4) Where any authority, person or body which a planning authority are required to consult under this article consider that consultation with them is not required in respect of any case or class of case or in respect of development within any area or areas they shall so inform the planning authority in writing and notwithstanding the foregoing provisions of this article the planning authority shall not be required to consult the authority, person or body in respect of any development coming within the case or class of case or within the area or areas specified.

### **Directions as to environmental assessment Regulations**

**16.** The Secretary of State may give directions—

- (a) that particular proposed development of a description set out in Schedule 1 or Schedule 2 to the Environmental Assessment (Scotland) Regulations 1988(16) is exempted from the application of those Regulations;
- (b) as to whether particular proposed development is or is not development in respect of which those Regulations require the consideration of environmental information (as defined in those Regulations) before planning permission can be granted; or
- (c) that development of any class described in the direction is development in respect of which those Regulations require the consideration of such information before planning permission can be granted.

### **Directions restricting the grant of planning permission**

**17.** The Secretary of State may give directions restricting the grant of planning permission by a planning authority or regional planning authority, either indefinitely or 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.

### **Development not according to development plan**

**18.** A planning authority or regional planning authority may grant planning permission for development which does not accord with the provisions of the development plan in such cases and subject to such conditions as may be prescribed by directions given by the Secretary of State.

### **Provision supplementary to articles 16—18**

**19.** A planning authority or regional planning authority shall deal with applications for planning permission for development to which a direction given under article 16, 17 or 18 applies in such manner as to give effect to the direction.

### **Notification of applications affecting listed buildings**

**20.**—(1) Subject to sub-paragraph (4), before granting permission for any development which includes or involves the alteration to or extension of a listed building, a planning authority shall notify the Secretary of State of the application, giving particulars of the proposed development in so far as it affects the listed building.

(2) The planning authority shall not determine the application until after the expiration of 28 days from the date of giving notice of it to the Secretary of State and the Secretary of State within that period—

- (a) may direct the authority that he does not intend to require reference of the application to him; or
- (b) may direct the authority that he requires further time in which to consider whether to require the application to be referred to him, and substitute for the period of 28 days such longer period as may be specified in the Secretary of State's direction.

(3) In respect of applications for permission for development of the kind described in paragraph (1) above, the Secretary of State may give a direction to a planning authority requiring them, in such cases or classes of cases as may be specified in the direction, to give to him and to such other persons as may be so specified, notice of the application and of the decision, if any, taken by the authority thereon.

(4) This article does not apply to any application in respect of development requiring listed building consent, where the application for such consent would fall within a description specified, in a direction issued by the Secretary of State under paragraph 6(1) of Schedule 10 to the Act, as being exempt from the requirements of notification set out at paragraph 5 of that Schedule.

### **Notice of reference of applications to the Secretary of State or regional planning authority**

**21.** On referring any application to the Secretary of State under section 32 of the Act or to a regional planning authority under section 179 of the Local Government (Scotland) Act 1973(17), a planning authority shall serve on the applicant notice—

- (a) of the terms of the direction;
- (b) of any reasons given by the Secretary of State or as the case may be such authority;
- (c) that the application has been referred to the Secretary of State or as the case may be such authority; and
- (d) in the case of an application referred to the Secretary of State, 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.

### **Decision by planning authority**

**22.**—(1) When a planning authority give notice of a decision in respect of an application for planning permission or for approval of reserved matters, the notice shall be in writing and where the planning authority decide to grant permission or approval subject to conditions or to refuse it, the notice shall—

- (a) state the reasons for the decision;
- (b) where the Secretary of State has given a direction restricting the grant of permission for the development referred to in the application, give details of the direction; and

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(17) 1973 c. 65; section 179 was substituted by the Local Government and Planning (Scotland) Act 1982 (c. 43), Schedule 3, paragraph 24 and amended by the Housing and Planning Act 1986 (c. 63), Schedule 11, paragraph 61.

- (c) in the case of refusal or approval subject to conditions be accompanied by a notification in the terms (or substantially in the terms) set out in the notification in Schedule 9.
- (2) When a planning authority give notice of a determination in the case of an application made under section 51 of the Act, the notice shall—
  - (a) be in writing;
  - (b) state the reasons for the determination; and
  - (c) contain a statement to the effect that if the applicant is aggrieved by their decision he may appeal to the Secretary of State under section 33 of the Act within six months of notice thereof.
- (3) A planning authority shall furnish to the Secretary of State and to such other persons as may be prescribed by directions given by the Secretary of State information as to the manner in which applications made to them under articles 3 to 7 have been dealt with and such other information as may be so prescribed.

## PART 4 APPEALS

### Appeals

- 23.**—(1) Any applicant who desires to appeal—
- (a) against a decision of a planning authority or of a regional planning authority refusing planning permission to develop land, refusing to grant any approval required under this Order, or granting permission or approval subject to conditions; or
  - (b) against a determination of a planning authority under section 51 of the Act; or
  - (c) on the failure of a planning authority or of a regional planning authority to give notice of their decision or determination or notice of the referral of the application to the Secretary of State,
- shall lodge with the Secretary of State a notice of appeal.
- (2) The notice of appeal shall be lodged—
    - (a) within six months of the notice of the decision or determination;
    - (b) within six months of the expiry of the appropriate period allowed under article 14(2); or
    - (c) in the case of the failure of a regional planning authority to give notice as set out in paragraph (1)(c) above, within six months of the expiry of the period of three months starting from the date when the application was referred to them being the period set out in section 34 of the Act as applied by section 179(5) and (6) of the Local Government (Scotland) Act 1973(18).
  - (3) The applicant shall at the same time as he lodges a notice of appeal with the Secretary of State, send a copy of the notice to the planning authority or to the regional planning authority as the case may be.
  - (4) In the case of an appeal in respect of an application for a determination under section 51 of the Act the notice of appeal shall be given in writing and in every other case the notice of appeal shall be given on a form obtained from the Secretary of State and in either case shall state the grounds on which the appeal is made.

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(18) Section 179(5) and (6) substituted by the Local Government and Planning (Scotland) Act 1982 (c. 43), Schedule 3 paragraph 24, and sub-section (5) of section 179 was amended by the Housing and Planning Act 1986 (c. 63), Schedule 11, paragraph 61.

- (5) The notice of appeal to the Secretary of State shall be accompanied by—
- (a) a copy of—
    - (i) the application made to the planning authority; and
    - (ii) the documents submitted with the application including the certificate provided in accordance with section 24 of the Act and any certificate provided in accordance with article 9;
  - (b) a copy of the notice of the decision or determination, if any;
  - (c) a copy of all other relevant correspondence with any planning authority;
  - (d) a certificate under section 24 of the Act as applied by section 33 of the Act;
  - (e) a statement to the Secretary of State as to whether the appellant wishes his case to be determined on the basis of written submissions and without the holding of a public local inquiry.

#### **Appeals other than on the basis of written submissions**

**24.**—(1) The following paragraphs of this article shall apply where the appeal is being disposed of other than on the basis of written submissions.

- (2) Where the appeal is—
- (a) against a decision of a planning authority refusing planning permission to develop land, refusing to grant any approval required under this Order or granting permission or approval subject to conditions; or
  - (b) on the failure of a planning authority to give notice of their decision or of the reference of the application to the Secretary of State,

the Secretary of State shall serve a copy of the notice of appeal on the regional planning authority.

(2) If the regional planning authority wish to take part in the appeal proceedings they shall within one month of receiving the copy of the notice of appeal so notify the Secretary of State and shall within one month thereafter send to the Secretary of State and to the appellant a statement of their observations on the appeal.

(3) Where an appeal under this article is an appeal against a decision of a regional planning authority, the reference in paragraph (2) of this article to the regional planning authority shall be construed as a reference to the planning authority.

#### **Notices to owners and agricultural tenants**

**25.** In relation to appeals, the requisite notices for the purposes of the provisions of section 24 (notification of applications to owners and agricultural tenants) of the Act as applied by section 33(5) of the Act shall be in the forms set out in Schedule 10.

## **PART 5**

### **ESTABLISHED USE CERTIFICATES**

#### **Application for established use certificates**

- 26.** An application to a planning authority for an established use certificate—
- (a) shall be in writing;
  - (b) shall give the following particulars:—

- (i) the address or location of the land to which the application relates;
  - (ii) a description of the use in respect of which a certificate is sought, being a use subsisting on the date when the application is made;
  - (iii) if there is more than one use of the land at the date when the application is made, a description of all uses of the land at that date and, where appropriate, an indication of the part of the land to which each of the uses relates;
  - (iv) whether the use referred to in sub-paragraph (ii) above was begun before 1st January 1965 and, if not, the date when it was begun;
  - (v) if the use referred to in sub-paragraph (ii) was begun on 1st January 1965 or a later date, particulars of the use of the land at 31st December 1964 and subsequent intervening uses, including the date when each such use began and ended;
  - (vi) the nature of the applicant's interest in the land;
  - (vii) a statement of the grounds as set out in section 90(1) of the Act, upon which a certificate is sought; and
  - (viii) any other information which can substantiate or make good the claim; and
- (c) shall be accompanied by—
- (i) such plans as are sufficient to identify the land to which the application relates;
  - (ii) such supporting evidence as the applicant can provide in proof of his statements and, in a case where a certificate is being sought on ground (b) of section 90(1) of the Act (the use was begun from the beginning of 1965 under a planning permission granted subject to conditions or limitations, which either have never been complied with or have not been complied with since the end of 1964), a copy of the relevant planning permission or, where it is not possible to supply a copy, details of the condition in question and any particulars which can be furnished in order that the permission may be identified; and
  - (iii) one or other of the certificates specified in article 27.

### **Certificates accompanying applications**

27.—(1) The certificates referred to in article 26(c)(iii) are—

- (a) a certificate stating that at the beginning of the period of 21 days ending with the date of the application, no person other than the applicant, was the owner of any land to which the application relates;
- (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons, other than the applicant, who, at the beginning of the period of twenty-one days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice;
- (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding sub-paragraphs, that he has given the requisite notice of the application to such one or more of the persons mentioned in the last preceding sub-paragraph as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to them respectively, and the date of the service of each notice), that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so; or

- (d) a certificate stating that the applicant is unable to submit a certificate in accordance with sub-paragraph (a) of this paragraph, that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in sub-paragraph (b) of this paragraph and that he has been unable to do so.
- (2) Any such certificate as is mentioned in sub-paragraph (c) or sub-paragraph (d) of paragraph (1) shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in sub-paragraph (b) of the said paragraph) been published in a local newspaper circulating in the locality in which the land in question is situated.
- (3) All certificates submitted under paragraphs (1) and (2) shall contain one or other of the following statements—
- (a) a statement that none of the land to which the application relates constitutes or forms part of an agricultural holding;
  - (b) a statement that the applicant has given the requisite notice of the application to every person (other than the applicant) who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, and setting out the name of each such person, the address at which notice of the application was given to him, and the date of service of that notice.
- (4) The planning authority may by a direction in writing require the applicant to furnish such further information as may be specified in the direction to enable them to deal with the application.
- (a) (5) (a) Certificates submitted for the purposes of sub-paragraph (a), (b), (c) or (d) of paragraph (1) shall be in the appropriate form set out in Part 1 of Schedule 11; and
  - (b) the requisite notices for the purposes of paragraphs (1) and (2) shall be in the forms set out in Part 2 of Schedule 11.

### **Procedure on receipt of applications**

**28.** The provisions of articles 10, 11, 12, 13 and 22(3) shall apply to an application for an established use certificate as they apply to an application for planning permission, with necessary modifications and in particular that the form of the notice of receipt of the application which is to be sent to the applicant shall be as set out in Part 3 of Schedule 11.

### **Determination by planning authority**

**29.—**(1) Where an application for an established use certificate is accompanied by such a certificate, as is mentioned in paragraph (1)(b), (c) or (d) of article 27 or by a certificate containing a statement in accordance with paragraph (3)(b) of article 27, the planning authority—

- (a) shall not determine the application before the end of the period of 21 days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later; and
  - (b) in determining the application, shall take into account any representations relating thereto which are made to them, before the end of the period mentioned in the preceding sub-paragraph, by any person who satisfies them that he is an owner of any land to which the application relates or that he is the tenant of an agricultural holding any part of which is comprised in that land.
- (2) The planning authority shall give notice to the applicant of their decision, or of the reference of the application to the Secretary of State, within a period of two months from the date of receipt of the application, or such extended period as may be agreed upon in writing between the applicant



and the planning authority at any time except where the applicant has already given notice of appeal to the Secretary of State.

(3) An established use certificate shall be in the form set out in Part 4 of Schedule 11 and shall be copied to every person who has made representations which the planning authority were required to take into account in accordance with paragraph (1)(b).

(4) Where an established use certificate is not granted by the planning authority on an application, the notice of their decision to refuse the application—

- (a) shall be in writing;
- (b) shall state the grounds for their decision;
- (c) shall include a statement to the effect that the applicant may appeal to the Secretary of State under section 91(2) of the Act; and
- (d) shall be copied to every person who has made representations which the planning authority were required to take into account in accordance with paragraph (1)(b).

### **Appeals under section 90(6)**

**30.**—(1) Any person who desires to appeal against a decision of a planning authority refusing an established use certificate, or refusing it in part or against a deemed refusal of such a certificate, shall—

- (a) lodge a notice of appeal with the Secretary of State within 6 months of the date of notice of the decision or of the expiry of the period allowed under paragraph (2) of article 29, as the case may be, or such longer period as the Secretary of State may at any time allow; and
- (b) send at the same time as he lodges a notice of appeal, copies of the following documents:—
  - (i) the application made to the planning authority;
  - (ii) all relevant plans, drawings, statements and particulars submitted to them;
  - (iii) the notice of the decision, if any;
  - (iv) all other relevant documents and correspondence with the planning authority; and
  - (v) one or other of the certificates corresponding to that described in article 27(1).

(2) The provisions of article 26(c)(iii) and article 27 shall apply in relation to an appeal to the Secretary of State as they apply in relation to an application to the planning authority for an established use certificate and for the reference in article 27(5)(b) to the forms for requisite notices for the purposes of article 27(1) and (2) being in the form set out in Part 2 of Schedule 11, there shall be substituted a reference to Part 5 of that Schedule.

### **Interpretation of Part 5**

**31.** For the purposes of this Part “owner” means—

- (i) any person who, in respect of any part of the land, is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than seven years remain unexpired; and
- (ii) any other person who is for the time being the occupier of any part of the said land.

## PART 6

### DIRECTIONS

#### Directions and savings

**32.**—(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 directions in force immediately before the coming into force of this Order by virtue of the Town and Country Planning (General Development) (Scotland) Orders 1950 to 1970<sup>(19)</sup>, the Town and Country Planning (General Development) (Scotland) Order 1975<sup>(20)</sup>, and the Town and Country Planning (General Development) (Scotland) Order 1981<sup>(21)</sup> shall continue in force and have effect as if given under the corresponding provisions of this Order.

## PART 7

### REVOCATIONS AND SAVINGS

#### Revocations and savings

**33.**—(1) The statutory instruments specified in columns (1) and (2) of Schedule 12 are hereby revoked to the extent specified in column (3).

(2) Any application for planning permission, for an approval under a development order, for an established use certificate or for a determination under section 51 of the Act which at the coming into force of this Order is outstanding shall have effect as if made and be determined under and in accordance with the provisions of this Order.

St. Andrew's House,  
Edinburgh  
11th February 1992

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

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<sup>(19)</sup> S.I. 1950/942, 1958/1653, 1959/1361, 1960/1722, 1963/1767, 1964/1791, 1970/600.

<sup>(20)</sup> S.I. 1975/679.

<sup>(21)</sup> S.I. 1981/830, amended by S.I. 1983/1620, S.I. 1984/237, 1985/2007, 1986/1356, 1988/977, 1988/1249, 1989/148, 1990/508 and 1991/147.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Articles 3(c)(iii) and 4(2)(c)(iii)

CERTIFICATES UNDER SECTION 24 OF THE ACT  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972Certificate under section 24(1)(a)

I hereby certify that:-

(1) No person other than \*myself/the applicant/the appellant was an owner(a) of any part of the land to which the \*application/appeal relates at the beginning of the period of 21 days ending with the date of the accompanying \*application/appeal;

(2) None of the land to which the \*application/appeal relates constitutes or forms part of an agricultural holding;  
or:-

(2) \*I have/The applicant has/The appellant has given the requisite notice to every person other than \*myself/himself who, at the beginning of the period of 21 days ending with the date of the \*application/appeal was a tenant of any agricultural holding any part of which was comprised in the land to which the \*application/appeal relates. These persons are-

Name of tenant(b)	Address	Date of service of notice
Signed.....	.....	.....
*On behalf of .....	.....	.....
Date .....	.....	.....

\*Delete where inappropriate

- 
- (a) Any person who, in respect of any part of the land, is the proprietor of the *dominium utile* or is the lessee under a lease thereof of which not less than 7 years remain unexpired.
  - (b) If you are the sole agricultural tenant enter "None".

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972Certificate under section 24(1)(b)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I hereby certify that:-

(1) \*I have/The applicant has/The appellant has given the requisite notice to all the persons other than \*myself/the applicant/the appellant who, at the beginning of the period of 21 days ending with the date of the accompanying \*application/appeal, were owners(a) of any part of the land to which the \*application/appeal relates. These persons are:

Name	Address	Date of service of notice
------	---------	---------------------------

(2) None of the land to which the \*application/appeal relates constitutes or forms part of an agricultural holding;

or:-

(2) \*I have/The applicant has/The appellant has given the requisite notice to every person other than \*myself/himself who, at the beginning of the period of 21 days ending with the date of the \*application/appeal was a tenant of any agricultural holding any part of which was comprised in the land to which the \*application/appeal relates. These persons are-

Name of tenant(b)	Address	Date of service of notice
-------------------	---------	---------------------------

Signed.....

\*On behalf of .....

Date .....

\*Delete where inappropriate

---

(a) Any person who, in respect of any part of the land, is the proprietor of the *dominium utile* or is the lessee under a lease thereof of which not less than 7 years remain unexpired.

(b) If you are the sole agricultural tenant enter "None".

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972 Certificate under section 24(1)(c)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I hereby certify that:-

- (1)(a) \*I am/The applicant is/The appellant is/ unable to issue a certificate in accordance with either paragraph (a) or paragraph (b) of section 24(1) of the Act in respect of the accompanying \*application/appeal dated (a) .....
- (b) \*I have/The applicant has/The appellant has given the requisite notice to the following persons other than \*myself/the applicant/the appellant who, at the beginning of the period of 21 days ending with the date of the \*application/appeal, were owners (a) of any part of the land to which the \*application/appeal relates;

These persons are:

Name of owner	Address	Date of service of notice
---------------	---------	---------------------------

- (c) \*I have/The applicant has/The appellant has taken the steps listed below, being steps reasonably open to \*me/him to ascertain the names and addresses of the other owners of the land or part thereof and \*have/has been unable to do so:  
(c) .....

- (d) Notice of the \*application/appeal as set out below has been published in the (d) .....on(e) .....

(2) None of the land to which the \*application/appeal relates constitutes or forms part of an agricultural holding;  
or:-

(2) \*I have/The applicant has/The appellant has given the requisite notice to every person other than \*myself/himself who, at the beginning of the period of 21 days ending with the date of the \*application/appeal was a tenant of any agricultural holding any part of which was comprised in the land to which the \*application/appeal relates. These persons are

Name of tenant (f)	Address	Date of service of notice
Signed.....		
*On behalf of .....		
Date .....		

\*Delete where inappropriate

- 
- (a) Insert date of application or appeal.
  - (b) Any person who, in respect of any land, is the proprietor of the *dominium utile* or is the lessee under a lease thereof of which not less than 7 years remain unexpired.
  - (c) Insert description of steps taken.
  - (d) Insert name of local newspaper circulating in the locality in which the land is situated.
  - (e) Insert date of publication, which must not be earlier than the beginning of the period of 21 days ending with the date of the application or appeal.
  - (f) If you are the sole agricultural tenant enter "None".

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972Certificate under section 24(1)(d)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I hereby certify that:-

(1)(a) \*I am/The applicant is/The appellant is unable to issue a certificate in accordance with section 24(1)(a) of the Act in respect of the accompanying \*application/appeal dated (a) ..... and \*have/has taken the steps listed below, being steps reasonably open to \*me/him, to ascertain the names and addresses of all the persons, other than \*myself/himself, who, at the beginning of the period of 21 days ending with the date of the \*application/appeal, were owners (b) of any part of the land to which the \*application/appeal relates and \*have/has been unable to do so:

(c) .....

(b) Notice of the \*application/appeal as set out below has been published in (d) .....on(e) .....

(c) A copy of the notice as published is attached.

(2) None of the land to which the \*application/appeal relates constitutes or forms part of an agricultural holding;

or:-

(2) \*I have/The applicant has/The appellant has given the requisite notice to every person other than \*myself/himself who, at the beginning of the period of 21 days ending with the date of the \*application/appeal was a tenant of any agricultural holding any part of which was comprised in the land to which the \*application/appeal relates. These persons are-

Name of tenant(f)	Address	Date of service of notice
Signed.....	.....	.....
*On behalf of .....	.....	.....
Date .....	.....	.....

\*Delete where inappropriate

- (a) Insert date of application or appeal.
- (b) Any person who, in respect of any part of the land, is the proprietor of the *dominium utile* or is the lessee under a lease thereof of which not less than 7 years remain unexpired.
- (c) Insert description of steps taken.
- (d) Insert name of local newspaper circulating in the locality in which the land is situated.
- (e) Insert date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application or appeal).
- (f) If you are the sole agricultural tenant enter "None".

SCHEDULE 2

Articles 3(c)(iv), 4(2)(c)(iv), 6(c)(iii) and 9(5)

CERTIFICATES RELATING TO NEIGHBOUR NOTIFICATION  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
(SCOTLAND) ORDER 1992 Certificate under article 9(5)(a)(i)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I hereby certify that–

(1) \*I have/the applicant has \_\_\_\_\_ in accordance with article 9(1), (2)(a) and (5)(a)(i)(aa) of the above Order sent the requisite notices to the persons holding a notifiable interest in neighbouring land, together with a plan showing the location of the proposed development.

The names and addresses of those persons who have been notified with a note of their interest (being that of owner, lessee, or occupier) are as follows:–

Name(s)	Address(es)	Interest (as owner lessee or occupier)
---------	-------------	---

(2) \*I have/the applicant has in accordance with Article 9(1), (2)(a) and (5)(a)(i)(bb) of the above Order sent the requisite notices to the addresses set out below, being addressed to the owner, the lessee or the occupier or any or all of them as the case may be, together with a plan showing the location of the proposed development.

- (a)
- \* Owner \_\_\_\_\_ (Address)
  - \* Lessee \_\_\_\_\_ (Address)
  - \* Occupier \_\_\_\_\_ (Address)
  - \* Owner \_\_\_\_\_ (Address)
  - \* Lessee \_\_\_\_\_ (Address)
  - \* Occupier \_\_\_\_\_ (Address)
  - \* Owner \_\_\_\_\_ (Address)
  - \* Lessee \_\_\_\_\_ (Address)
  - \* Occupier \_\_\_\_\_ (Address)

\*Delete where inappropriate

(a) All the addresses in respect of which the requisite notices have been sent out with details as to the owner, lessee and occupier set out opposite should be detailed.

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (SCOTLAND) ORDER 1992Certificate under article 9(5)(a)(ii)

I hereby certify that \*I have/the applicant has \_\_\_\_\_ in accordance with article 9(1), (2)(b) and (5)(a)(ii) of the above Order sent the requisite notices addressed to the owners, and occupiers who hold a notifiable interest in neighbouring land at the addresses of the premises as listed below, together with a plan showing the location of the proposed development.

Addresses to which requisite notices sent

Name of Applicant.....  
 Address.....Signature .....

Date ..... \*On behalf of: .....

If signature is not that of applicant or appellat give name and address of the signatory and the capacity in which he acts.

.....  
 .....  
 .....

\*Delete where inappropriate

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (SCOTLAND) ORDER 1992Certificate under article 9(5)(b)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**\*I/The applicant hereby \*certify/certifies that no notification is required in accordance with article 9(1) to (3) of the above Order since there are no parties holding a notifiable interest in neighbouring land.**

Name of Applicant .....  
Address ..... Signature .....  
Date ..... \*On behalf of: .....

If signature is not that of applicant or appellant give name and address of the signatory and the capacity in which he acts.

.....  
.....  
.....

**\*Delete where inappropriate**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (SCOTLAND) ORDER 1992Certificate under article 9(5)(c)**

**\*I/The applicant hereby \*certify/certifies that it is not possible to carry out notification in accordance with article 9(1) to (3) of the above Order since there are no premises situated on the neighbouring land to which the notification could be sent as referred to at article 9(4).**

Name of Applicant .....  
Address ..... Signature .....  
Date ..... \*On behalf of: .....

If signature is not that of applicant or appellant give name and address of the signatory and the capacity in which he acts.

.....  
.....  
.....

**\*Delete where inappropriate**

**SCHEDULE 3**

Article 8

**REQUISITE NOTICES UNDER SECTION 24**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972Requisite notice under section 24(1) of application for planning permission for service on owners and tenants of agricultural holdings**



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Proposed development at (a) .....

**TAKE NOTICE**

1. that application is being made to-

(b).....Council by  
(c).....for planning permission to  
(d) .....

2. if you wish to make representations about the application you should make them in writing not later than

(e) .....  
to the council at (f) .....

(The grant of planning permission does not affect owners' rights to retain or dispose of their property unless there is some provision to the contrary in an agreement or lease.

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.)

Signed.....

\*On behalf of .....

Date .....

\*Delete where inappropriate

- 
- (a) Insert address or location of proposed development.
  - (b) Insert name of Council.
  - (c) Insert name of applicant.
  - (d) Insert description of proposed development.
  - (e) Insert date not less than 21 days later than the date on which the notice is served.
  - (f) Insert address of the council.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972 Requisite notice under section 24(2) of application for planning permission for publication in local newspaper

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Proposed development at (a) .....

NOTICE is hereby given that-

- 1. application is being made to-
  - (b).....Council by
  - (c).....for planning permission to
  - (d) .....

- 2. any owner (e) of the land to which the application relates, who wishes to make representations to the above-mentioned council about the application should make them in writing not later than (f) to the council at (g) .....

Signed.....  
 \*On behalf of .....  
 Date .....

\*Delete where inappropriate

- 
- (a) Insert address or location of proposed development.
  - (b) Insert name of council.
  - (c) Insert name of applicant.
  - (d) Insert description of proposed development.
  - (e) Any person who, in respect of any part of the land, is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remain unexpired.
  - (f) Insert date not less than 21 days later than the date on which the notice is published.
  - (g) Insert address of the council.

SCHEDULE 4

Article 9(1)

NEIGHBOUR NOTIFICATION  
 TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
 (SCOTLAND) ORDER 1992 Notification of and information on application for planning permission

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Proposed development at (a) .....

NOTICE is hereby given that-

- 1. application is being made to-
  - (b)..... Council by
  - (c).....for planning permission to
  - (d) .....

- 2. a copy of a plan showing the situation or location of the development is attached;
- 3. the application, plans and other documents submitted may be inspected at all reasonable hours in the register of planning applications kept by the planning authority at the address of the planning authority and also at
  - (e) .....

during the period of 14 days beginning with the date of this notice; and

- 4. any person who wishes to make representations to the above-mentioned council about the application should make them in writing within that period to the council at the address of the planning authority shown on the application.

Signed.....  
 \*On behalf of .....  
 Date .....

\*Delete where inappropriate



- (a) Insert address or location of proposed development.
- (b) Insert name of planning authority.
- (c) Insert name of applicant.
- (d) Insert description of proposed development.
- (e) Insert other address in the locality at which plans etc may be inspected.

SCHEDULE 5 Articles 10 and 28

REGISTERS UNDER SECTIONS 31(2) TO (5) AND 51(2)

Register of applications for planning permission

- 1. The register of applications for planning permission which every planning authority is required to keep under section 31(2) of the Act shall be kept in 2 parts.
- 2. Part I of the register shall contain a copy of every application for planning permission and of every application for approval of reserved matters submitted to the planning authority and not finally disposed of, together with copies of plans and drawings submitted in relation thereto.
- 3. Part II of the register of applications for planning permission shall contain the following information in respect of all applications for planning permission:—
  - (a) particulars of the application, including the name and address of the applicant, the date of the application, brief particulars of the development forming the subject of

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- the application and any environmental statement required under the Environmental Assessment (Scotland) Regulations 1988(22);
- (b) particulars of any direction given under the Act, the Local Government (Scotland) Act 1973 or under this Order in respect of the application;
  - (c) the date and effect of the decision, if any, of the planning authority in respect of the application;
  - (d) the date and effect of any decision of a regional planning authority on a reference made under section 179 of the Local Government (Scotland) Act 1973;
  - (e) the date and effect of any decision of the Secretary of State in respect of the application, on appeal or on a reference under section 32 of the Act;
  - (f) the date of any subsequent approval, whether approval of reserved matters or any other approval required, given in relation to the application; and
  - (g) the Secretary of State's decision in respect of a deemed application for planning permission on an appeal to him under section 85 (enforcement notices) or 91 (applications for established use certificates) of the Act, particulars of the development concerned and of the land on which it was carried out and the date and effect of the Secretary of State's decision.

#### **Register of applications for section 51 determinations**

4. The register of applications for a determination under section 51 of the Act which every planning authority is required to keep under section 31(2) of the Act (as applied by paragraph 6 of Schedule 12 to the Act) shall contain the following information in respect of all applications relating to land within their district:—

- (a) particulars of the application, including the name and address of the applicant, the date of the application and brief particulars of the proposal forming the subject of the application;
- (b) the decision, if any, of the planning authority in respect of the application and the date of such decision; and
- (c) the date and effect of any decision of the Secretary of State in respect of the application, on appeal.

#### **Register of applications for established use certificates**

5. The register of applications for established use certificates under section 90 or 91 of the Act which every planning authority is required to keep under section 31(2) of the Act (as applied by paragraph 6 of Schedule 12 to the Act) shall contain the following information in respect of all applications relating to land within their district:—

- (a) particulars of the application, including the name and address of the applicant and the date of the application;
- (b) the decision, if any, of the planning authority in respect of the application and the date of such decision; and
- (c) the date and effect of any decision of the Secretary of State in respect of the application, on appeal.

#### **Provisions applicable to registers generally**

6.—(1) Every register shall include an index, which shall be in the form of a map.

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(22) S.I. 1988/1221.

(2) The registers for their district shall be kept at the office of every planning authority but part of a register relating to land in a part of the district of that authority may be kept at a place within or convenient to that part.

SCHEDULE 6

Article 12(2)

NOTIFICATION OF RECEIPT OF APPLICATION TO APPLICANT  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972 Notification to applicant on receipt of application

Your application dated \_\_\_\_\_ was received on (a) \_\_\_\_\_

\*Examination of the form of application and accompanying plans and documents to ascertain whether your application complies with the statutory requirements has not been completed.

If on further examination it is found that the application is invalid for failure to comply with such requirements (or for any other reason) a further communication will be sent to you as soon as possible.

\*If by (b) .....

- (a) you have not received notification that your application is invalid,
- (b) the authority dealing with your application have not given you notice of their decision, and
- (c) you have not agreed with them in writing that the period within which their decision shall be given may be extended,

you may appeal to the Secretary of State in accordance with sections 33 and 34 of the Town and Country Planning (Scotland) Act 1972 by notice sent within six months from that date (unless the application has already been referred by this authority to the Secretary of State).

A form for appeals under these sections of the Act is obtainable from the Scottish Office Inquiry Reporters Unit, 2 Greenside Lane, Edinburgh EH1 3AG.

---

(a) Insert date when relevant document(s) referred to in article 12(2) were received.

(b) Insert date 2 months from date of receipt of the application as given at (a).

SCHEDULE 7

Article 12(5)(b)

BAD NEIGHBOUR DEVELOPMENT

The following are the classes of development specified for the purposes of paragraph (5)(b) of article 12:—

- (1) the construction of buildings for use as a public convenience;
- (2) the construction of buildings or other operations, or use of land—
  - (a) for the disposal of refuse or waste materials, or for the storage or recovery of reusable metal;
  - (b) for the retention, treatment or disposal of sewage, trade-waste, or effluent other than—
    - (i) the construction of pumphouses in a line of sewers;
    - (ii) the construction of septic tanks and cesspools serving single dwelling-houses, or single caravans, or single buildings in which not more than 10 people will normally reside, work or congregate;
    - (iii) the laying of sewers; or

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- (iv) works ancillary to those described in sub-paragraphs (i) to (iii);
- (c) as a scrap yard or coal yard; or
- (d) for the winning or working of minerals;
- (3) the construction of buildings or use of land for the purposes of a slaughterhouse or knacker's yard or for the killing or plucking of poultry;
- (4) the construction or use of buildings for any of the following purposes:—  
bingo hall building for indoor games casino cinema dance hall fun fair gymnasium (not forming part of a school, college or university) hot food shop licensed premises music hall skating rink swimming pool theatre, or Turkish or other vapour or foam bath;
- (5) the construction of buildings for or the use of buildings or land as—
  - (a) a crematorium, or the use of land as a cemetery;
  - (b) a zoo, or wildlife park, or for the business of boarding or breeding cats or dogs;
- (6) the construction of buildings and use of buildings or land for motor car or motor cycle racing;
- (7) the construction of a building to a height exceeding 20 metres;
- (8) the construction of buildings, operations, and use of buildings or land which will—
  - (a) affect residential property by reason of fumes, noise, vibration, smoke, artificial lighting, or discharge of any solid or liquid substance;
  - (b) alter the character of an area of established amenity;
  - (c) bring crowds into a generally quiet area;
  - (d) cause activity and noise between the hours of 8pm and 8am; and
  - (e) introduce significant change into a homogeneous area.

## SCHEDULE 8

Article 12(5)

NOTICE FOR PUBLICATION IN NEWSPAPER  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
(SCOTLAND) ORDER 1992 Notice of application to be published in a local newspaper under article 12(5)

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Applications for planning permission listed below together with the plans and other documents submitted with them may be examined at (a) .....  
.....  
between the hours of (b).....  
on (c) .....  
Written comments may be made to (d) .....  
.....  
within 14 days from the date of publication of this notice.

List of applications for planning permission  
Address(e) Proposed development(f)

- (a) Insert address of planning authority and any other address.
- (b) Insert beginning and end of periods.
- (c) Insert days of week.
- (d) Insert Director of Planning or officer responsible for planning functions and his address.
- (e) For each application to be advertised insert postal address of proposed development.
- (f) For each application to be advertised insert description of proposed development.

SCHEDULE 9

Article 22

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval of reserved matters in respect of the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State under section 33 of the Town and Country Planning (Scotland) Act 1972 within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Office Inquiry Reporter’s Unit, 2 Greenside Lane, Edinburgh EH1 3AG.

2. If permission to develop land is refused or granted subject to conditions, whether by the 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 reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part IX of the Town and Country Planning (Scotland) Act 1972.

3. In certain circumstances, a claim may be against the 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. The circumstances in which such compensation is payable are set out in section 158 of the Town and Country Planning (Scotland) Act 1972(23).

(23) 1972 c. 52; section 158(2) was amended by the Local Government (Scotland) Act 1973 (c. 65), section 172(2), by the Town and Countryside Planning (Compensation) Act 1985 (c. 19), section 2(2) and by the Housing and Planning Act 1986 (c. 63), Schedule 11, paragraph 47 and Schedule 12, Part IV.

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SCHEDULE 10

Article 25

REQUISITE NOTICES ON APPEALS

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972 Requisite notice under sections 24(1) and 33 of appeal for service on owners and tenants of agricultural holdings

Proposed development at (a) .....

TAKE NOTICE

1. that an appeal is being made to the Secretary of State for Scotland by

(b) .....

\*against the decision of the (c) ..... Council/or the failure of the (d) ..... Council to give notice of a decision on an application to

(e) .....

2. if you wish to make representations to the Secretary of State about the appeal you should make them not later than (b) ..... to the Chief Reporter, Scottish Office Inquiry Reporters Unit, 2 Greenside Lane, Edinburgh EH1 3AG.

(The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or lease.

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.)

Signed.....

\*On behalf of .....

Date .....

\*Delete where inappropriate

(a) Insert address or location of proposed development.

(b) Insert name of appellant.

(c) Insert name of council.

(d) Insert description of proposed development.

(e) Insert date not less than 21 days later than the date on which the notice is served.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972 Requisite notice under sections 24(2) and 33 of appeal for publication in local newspaper



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Proposed development at (a) .....

**NOTICE IS HEREBY GIVEN-**

1. that an appeal is being made to the Secretary of State for Scotland by-  
(b) .....

\*against the decision of the (c) ..... Council/or the failure of the (c) ..... Council to give notice of a decision on an application to

(d) .....

2. that any owner(e) of the land who wishes to make representations to the Secretary of State about the appeal should make them in writing not later than (f) ..... to the Chief Reporter, Scottish Office Inquiry Reporter's Unit, 2 Greenside Lane, Edinburgh EH1 3AG.

Signed.....  
\*On behalf of .....  
Date .....

\*Delete where inappropriate

- 
- (a) Insert address or location of proposed development.
  - (b) Insert name of appellant.
  - (c) Insert name of council.
  - (d) Insert description of proposed development.
  - (e) Any person, who in respect of any part of the land, is the proprietor of the dominium utile or is the lessee under a lease of which not less than 7 years remain unexpired.
  - (f) Insert date not less than 21 days later than the date on which the notice is published.

SCHEDULE 11 Articles 27(5), 28, 29(3) and 30(2)

ESTABLISHED USE CERTIFICATES

PART 1

Certificates under article 27(5)(a)

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972Certificate under article 27(1)(a) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I hereby certify that:-

(1) No person other than \*myself/the applicant/the appellant was an owner(a) of any part of the land to which \*application/appeal relates at the beginning of the period of 21 days ending with the date of the accompanying \*application/appeal;

(2) None of the land to which the \*application/appeal relates constitutes or forms part of an agricultural holding;

or:-

(2) \*I have/The applicant has/The appellant has given the requisite notice to every person other than \*myself/himself who, at the beginning of the period of 21 days ending with the date of the \*application/appeal was a tenant of any agricultural holding any part of which was comprised in the land to which the \*application/appeal relates. These persons are-

Name of tenant(b)	Address	Date of service of notice
-------------------	---------	---------------------------

Signed.....

\*On behalf of .....

Date .....

\*Delete where inappropriate

- 
- (a) Any person who, in respect of any part of the land, is the proprietor of the *dominium utile* or is the lessee under a lease thereof of which not less than 7 years remain unexpired and any other person who is for the time being the occupier of any part of the land.
  - (b) If you are the sole agricultural tenant enter "None".

Certificate under article 27(1)(b) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I hereby certify that:-

(1) \*I have/The applicant has/The appellant has given the requisite notice to all the persons other than myself/\*the applicant/the appellant who, at the beginning of the period of 21 days ending with the date of the accompanying \*application/appeal, were owners (a) of any part of the land to which the \*application/appeal relates, viz.-

Name of tenant Address Date of service of notice

(2) None of the land to which the \*application/appeal relates constitutes or forms part of an agricultural holding;

or:-

(2) \*I have/The applicant has/The appellant has given the requisite notice to every person other than \*myself/himself who, at the beginning of the period of 21 days ending with the date of the \*application/appeal was a tenant of any agricultural holding any part of which was comprised in the land to which the \*application/appeal relates. These persons are-

Name of tenant(b) Address Date of service of notice

Signed.....  
\*On behalf of .....  
Date .....

\*Delete where inappropriate

- 
- (a) Any person who, in respect of any part of the land, is the proprietor of the *dominium utile* or is the lessee under a lease thereof of which not less than 7 years remain unexpired and any other person who is for the time being the occupier of any part of the land.
  - (b) If you are the sole agricultural tenant enter "None".

Certificate under article 27(1)(c) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

I hereby certify that:-

- (1)(a) \*I am/The applicant is/The appellant is/ unable to issue a certificate in accordance with either paragraph (a) or paragraph (b) of section 24(1) of the Act in respect of the accompanying \*application/appeal dated (a) .....
- (b) \*I have/The applicant has/The appellant has given the requisite notice to the following persons other than \*myself/the applicant/the appellant who, at the beginning of the period of 21 days ending with the date of the \*application/appeal, were owners (b) of any part of the land to which the \*application/appeal relates.  
These persons are-

Name of owner	Address	Date of service of notice
(c) *I have/The applicant has/The appellant has	taken the steps listed below, being steps reasonably open to *me/him to ascertain the names and addresses of the other owners of the land or part thereof and *have/has been unable to do so:	
(c) .....	.....	.....
(d) Notice of the	*application/appeal as set out below has been published in the (d) .....	.....on (e) .....

(2) None of the land to which the \*application/appeal relates constitutes or forms part of an agricultural holding;

or:-

(2) \*I have/The applicant has/The appellant has given the requisite notice to every person other than \*myself/himself who, at the beginning of the period of 21 days ending with the date of the \*application/appeal was a tenant of any agricultural holding any part of which was comprised in the land to which the \*application/appeal relates. These persons are-

Name of tenant(f)	Address	Date of service of notice
Signed.....	.....	.....
*On behalf of .....	.....	.....
Date .....	.....	.....

\*Delete where inappropriate

- (a) Insert date of application or appeal.
- (b) Any person who, in respect of any part of the land, is the proprietor of the *dominium utile* or is the lessee under a lease thereof of which not less than 7 years remain unexpired.
- (c) Insert description of steps taken.
- (d) Insert name of local newspaper circulating in the locality in which the land is situated.
- (e) Insert date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application or appeal).
- (f) If you are the sole agricultural tenant enter "None".

Certificate under article 27(1)(d) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I hereby certify that:-

(1)(a) \*I am/The applicant is/The appellant is unable to issue a certificate in accordance with section 24(1)(a) of the Act in respect of the accompanying \*application/appeal dated (a) ..... and \*have/has taken the steps listed below, being steps reasonably open to \*me/him, to ascertain the names and addresses of all the persons, other than \*myself/himself, who, at the beginning of the period of 21 days ending with the date of the \*application/appeal, were owners (b) of any part of the land to which the \*application/appeal relates and \*have/has been unable to do so:

(c) .....

(b) Notice of the \*application/appeal as set out below has been published in the (d) ..... on (e) .....

Copy of notice as published

(2) None of the land to which the \*application/appeal relates constitutes or forms part of an agricultural holding;

or:-

(2) \*I have/The applicant has/The appellant has given the requisite notice to every person other than \*myself/himself who, at the beginning of the period of 21 days ending with the date of the \*application/appeal was a tenant of any agricultural holding any part of which was comprised in the land to which the \*application/appeal relates, viz.-

Name of tenant(f) Address Date of service of notice

Signed.....

\*On behalf of .....

Date .....

\*Delete where inappropriate

- (a) Insert date of application or appeal.
- (b) Any person who, in respect of any part of the land, is the proprietor of the *dominium utile* or is the lessee under a lease thereof of which not less than 7 years remain unexpired.
- (c) Insert description of steps taken.
- (d) Insert name of local newspaper circulating in the locality in which the land is situated.
- (e) Insert date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application or appeal).
- (f) If you are the sole agricultural tenant enter "None".

## PART 2

### Requisite Notices under article 27(5)(b)

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972 Requisite notice under section 24(1) as applied by paragraph 3(1) of Schedule 12 of application for established use certificate for individual service

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

TAKE NOTICE

1. that application is being made to the  
 (a) ..... Council by  
 (b) .....  
 for an established use certificate relating to the use of land at  
 (c) .....  
 for the purpose of (d) .....

2. if you wish to make representations about the application you should make them in writing not later than (e) ..... to the council at  
 (f).....

Signed.....  
 \*On behalf of .....  
 Date .....

\*Delete where inappropriate

- 
- (a) Insert name of council.
  - (b) Insert name of applicant.
  - (c) Insert address or location of land.
  - (d) Insert use claimed to be established.
  - (e) Insert date not less than 21 days later than the date on which the notice is served.
  - (f) Insert address of the council.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972 Requisite notice under section 24(2) as applied by paragraph 3(1) of Schedule 12 of application for established use certificate for publication in local newspaper

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

NOTICE is hereby given

- 1. application is being made to-
    - (a)..... Council by
    - (b) .....for an established use certificate relating to the use of land at
    - (c) .....
    - for the purpose of (d) .....
  - 2. any owner(e) of the land who wishes to make representations to the above-mentioned council about the application should make them in writing not later than (f) ..... to the Council at .....
    - (g) .....
- Signed.....
- \*On behalf of .....
- Date .....

\*Delete where inappropriate

- 
- (a) Insert name of council.
  - (b) Insert name of applicant.
  - (c) Insert address or location of land.
  - (d) Insert use claimed to be established.
  - (e) Any person who, in respect of any part of the land, is the proprietor of the *dominium utile* or is the lessee under a lease of which not less than 7 years remain unexpired.
  - (f) Insert date not less than 21 days later than the date on which the notice is published.
  - (g) Insert address of the council.

Article 28

### PART 3

#### Notice to applicant on receipt of application for established use certificate TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

Your application dated ..... has been received.

If on (a) ..... the authority dealing with your application have not given you notice of their decision, and you have not agreed with them in writing that the period within which their decision shall be given may be extended, you are entitled to appeal to the Secretary of State in accordance with section 91(2) of the Town and Country Planning (Scotland) Act 1972 by notice served within six months from that date (unless the application has already been referred by the authority to the Secretary of State).

- 
- (a) Insert date of expiry of the period of two months after receipt of the application.

Article 29(3)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## PART 4

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

#### Established use certificate

Land at **(a)**.....

more particularly shown \*edged/hatched/coloured **(b)** ..... on the plan attached hereto.

The **(c)** ..... Council hereby certify that the use of the above land for **(d)** ..... was on **(e)** ..... established within the meaning of **(f)** ..... of section 90(1) of the Town and Country Planning (Scotland) Act 1972.

Signed.....  
\*On behalf of .....  
Date .....

NOTE: This certificate is issued for the purposes of section 90 of the Town and Country Planning (Scotland) Act 1972 only. It certifies that the use of the land for the purpose named is not liable to enforcement action under section 84 of that Act, but it is not a grant of planning permission and does not necessarily entitle the owner or occupier of the land to any consequential statutory rights which may be conferred where planning permission has been granted, under Part III of the Town and Country Planning (Scotland) Act 1972.

\*Delete where inappropriate

- 
- (a)** Insert location or address of land.
  - (b)** Insert colour.
  - (c)** Insert name of council.
  - (d)** Insert description of use.
  - (e)** Insert date of application for established use certificate.
  - (f)** Insert "paragraph (a)", "paragraph (b)", or "paragraph (c)" as appropriate.

## PART 5

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

Requisite notices under article 30(2)Requisite notice under section 24 (as applied by paragraph 3(1) of Schedule 12) of appeal against refusal of an established use certificate for individual service



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**1. TAKE NOTICE THAT** an appeal is being made to the Secretary of State for Scotland by—

(a) .....  
 \* (i) against the decision of (b) ..... Council;  
 \*(ii) on the failure of (b) ..... Council to give notice of a decision on an application for an established use certificate relating to the use of(c) .....  
 at  
 .....  
 (d) .....for the purpose of  
 (e) .....

**2.** If you wish to make representations to the Secretary of State about the appeal you should make them in writing not later than(f) ..... to the Chief Reporter, Scottish Office Inquiry Reporter's Unit, 2 Greenside Lane, Edinburgh EH1 3AG.

Signed.....  
 \*On behalf of .....  
 Date .....

\*Delete where inappropriate

- 
- (a) Insert name of appellant.
  - (b) Insert name of council.
  - (c) Insert description of land or premises.
  - (d) Insert address or location of land.
  - (e) Insert use claimed to be established.
  - (f) Insert date not less than 21 days later than the date on which notice is served.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972Requisite notice under section 24 (as applied by paragraph 3(1) of Schedule 12) of appeal against refusal of an established use certificate for publication in local newspaper

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1. NOTICE IS HEREBY GIVEN that an appeal is being made to the Secretary of State for Scotland by  
 (a) .....  
 \* (i) against the decision of (b) ..... Council;  
 \*(ii) on the failure of ..... (b) Council to give notice of a decision on an application for an established use certificate relating to the use of  
 (c) .....  
 for the purpose of .....  
 (d) .....

2. Any owner(e) who wishes to make representations to the Secretary of State about the appeal should make them in writing not later than (f) ..... to the Chief Reporter, Scottish Office Inquiry Reporter's Unit, 2 Greenside Lane, Edinburgh EH1 3AG.

Signed.....  
 \*On behalf of .....  
 Date .....

\*Delete where inappropriate

- (a) Insert name of appellant.
- (b) Insert name of council.
- (c) Insert description and address or location of land.
- (d) Insert use claimed to be established.
- (e) Any person who, in respect of any part of the land, is the proprietor of the *dominium utile* or is the lessee under a lease thereof of which not less than 7 years remain unexpired.
- (f) Insert date not less than 21 days later than the date on which notice is published.

SCHEDULE 12

Article 33(1)

REVOCATIONS

(1) Title of instrument	(2) Reference	(3) Extent of repeal
The Town and Country Planning (General Development) (Scotland) Order 1981	<a href="#">S.I. 1981/830</a>	The whole Order except articles 3, 4 and 4A and Schedule 1
The Town and Country Planning (General Development) (Scotland) Amendment Order 1984	<a href="#">S.I. 1984/237</a>	The whole Order except article 2(g)
The Town and Country Planning (General Development) (Scotland) Amendment (No. 2) Order 1985	<a href="#">S.I. 1985/2007</a>	Paragraph (5) of article 2

(1) Title of instrument	(2) Reference	(3) Extent of repeal
The Town and Country Planning (General Development) (Scotland) Amendment (No. 2) Order 1988	<a href="#">S.I. 1988/1249</a>	The whole Order
The Town and Country Planning (General Development) (Scotland) Amendment Order 1990	<a href="#">S.I. 1990/508</a>	Paragraph (b) of article 2 only.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order consolidates with amendments the procedural provisions of the Town and Country Planning (General Development) (Scotland) Order 1981 and subsequent amending instruments. A separate Order, the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 ([SI 1992/223](#)), consolidates the remaining provisions which deal with permitted development.

The Order specifies the procedures connected with planning applications, appeals to the Secretary of State and related matters so far as these are not laid down in the Town and Country Planning (Scotland) Act 1972, it also deals with the maintenance of registers of planning applications, applications for established use certificates and other related matters.

The main changes of substance made by the Order are that—

- (a) the neighbour notification provisions (article 9) have been amended to reflect the fact that domestic property is no longer entered in the valuation roll by—
  - (i) removing the requirement to notify the owners, occupiers and lessees of domestic property by name, and instead requiring separate notices to be addressed to “the owner” and “the occupier” in respect of each address of premises comprising neighbouring land; and
  - (ii) requiring, in the case of non-domestic property, where information as to the name of the owner, lessee or occupier cannot be ascertained from the valuation roll, notification to be sent addressed, in each case where the relevant names cannot be ascertained, to “the owner”, “the lessee” or “the occupier” of the property comprising neighbouring land;
- (b) article 9 has also been amended to require a location plan of the site to be included with the notification;
- (c) the list of statutory consultees (article 15) has been extended; and
- (d) the prescribed form notifying landowners of a planning application or planning appeal in respect of their land has been amended to include a statement that their rights to retain or dispose of the land are unaffected, but that the grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*