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## EXPLANATORY NOTE

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

This Order revokes and replaces the Town and Country Planning (Use Classes) (Scotland) Order 1973 as amended by the Town and Country Planning (Use Classes) (Scotland) (Amendment) Order 1983.

This Order specifies classes of use of buildings or other land for the purposes of section 19(2)(f) of the Town and Country Planning (Scotland) Act 1972. Section 19(2) specifies operations or uses which are not to be taken for the purposes of the Act as involving development, and which therefore do not require planning permission. Paragraph (f) provides that a change of use is not to be regarded as involving development where the former use and the new use are both within the same class specified in an order made under that paragraph.

Various changes are made in this Order to the classes of use specified in the Schedule to the 1973 Order.

Class I of the 1973 Order specified use as a shop (which expression was defined in article 2(2) of that Order) subject to specific exclusions. The specific exclusions of tripe, pets and cats-meat shops are not in the new shops class 1. Use for the sale of hot food is now in the new class 3 (food and drink). The former exclusion of use for the sale of motor vehicles is now excluded by article 3(5)(d). A launderette which was excluded from the definition of shops in the 1973 Order is now included in class 1 together with dry cleaners.

Class 2 is a new class of use for financial, professional and other services. This combines some of the office uses formerly in class II, and some uses formerly within the definition of “shop” as being uses of buildings for a purpose appropriate to a shopping area. A betting office which was excluded from the definition of office and shop in the 1973 Order is now included in class 2. The test of appropriateness to a shopping area governs the whole of class

2. Class 3 (food and drink) is a new class. It combines use for the sale of hot food, which was formerly excluded from class I, with use as a restaurant or for the sale of drink. Public houses are excluded from this class by article 3(5)(h).

Class 4 (business) combines some of the office uses formerly within class II with uses for light industrial purposes formerly within class III, into a business class. It also includes use for the research and development of products or processes. A test of whether a use could be carried out in any residential area without detriment to the amenity of that area now governs all the purposes in this class.

Class 5 (general industrial) reflects the old class IV.

Classes 6 to 10 reflect old classes V to IX (Special Industrial Groups A to E). Although there has been some reorganisation, the content of these classes is the same.

Class 11 (storage and distribution) is a new class which covers storage and distribution depots.

Class 12 (hotels and hostels) largely reflects the former class X but makes it clear that this class does not cover any residential establishment where a significant element of care (defined in article 2) is provided.

Class 13 (residential institutions) reflects the old classes XI and XIII.

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

Class 14 (houses) is a new class which comprises use as a house by an individual, by people living together as a family or by not more than five residents living together. In the case of people living together as a household rather than as a family, the use will continue to be within the class notwithstanding that an element of care (as defined in article 2) is provided for residents. The intention of this class is to include, for example, use as a house by individuals living together in the community who have formerly been in an institution of some kind. Flats are excluded from this class.

Class 15 (non-residential institutions) includes the uses formerly in classes XII, XIV and XV. Health centres, clinics and dispensaries are no longer included and these will be either within class 2 (financial, professional and other services) or where ancillary to a hospital, within class 13 (residential institutions). There is an additional use of a day centre.

Class 16 (assembly and leisure) includes uses formerly in classes XVI and XVII. It has been extended to include use for all indoor or outdoor sports with the exception of motor sports and sports involving firearms. Theatres which were formerly in class XVI are no longer included in any of the classes (see article 3(5)(a)).

Uses specifically excluded from the classes are listed in article 3(5) of the Order.

Paragraph 29 of Schedule 11 to the Housing and Planning Act 1986 amended section 19(2)(f) of the 1972 Act by providing that a change of use of part of any building or land is not a material change of use where the former use and the latter use of the part are within the same class, subject to the provisions of an order made under that paragraph. Article 4 of the Order provides that use as a separate house of any part of a building or of land used for the purposes of class 14 (houses) is not by virtue of this Order to be taken as not amounting to development.