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## EXPLANATORY NOTE

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

This Order replaces, with certain amendments, the Town and Country Planning (Use Classes) (Scotland) Order 1989 as amended by the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1993. The 1989 Order is revoked.

This Order specifies classes of use of buildings or other land for the purposes of section 26(2) (f) of the Town and Country Planning (Scotland) Act 1997. Section 26(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 1989 Order.

Classes 1, 2 and 4 (shops; financial, professional and other services; and business) remain the same.

Class 3 (food and drink) has been amended to exclude use for the sale of hot food for consumption off the premises. This has been added to article 3(5) as a *sui generis* use.

Class 5 (general industrial) now covers the previous classes 7 to 10 (special industrial groups B to E) which have been deleted.

Class 6 (storage or distribution) reflects the old class 11.

Classes 7, 8, 10 and 11 (hotels and hostels; residential institutions; non-residential institutions; and assembly and leisure) reflect the previous classes 12, 13, 15 and 16.

Class 9 (houses) largely reflects the former class 14 but has been extended to include limited use as a bed and breakfast or guest house.

Some minor consequential amendments have also been made.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Town and Country Planning (Use Classes) (Scotland) Order 1997. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. coming into force by [S.I. 1997/3061 art. 1](#)
- Sch. words omitted by [S.S.I. 2016/421 art. 3\(4\)](#)
- art. 1 coming into force by [S.I. 1997/3061 art. 1](#)
- art. 2 coming into force by [S.I. 1997/3061 art. 1](#)
- art. 3 coming into force by [S.I. 1997/3061 art. 1](#)
- art. 3(5) word omitted by [S.S.I. 2016/421 art. 3\(2\)\(a\)](#)
- art. 3(5) word omitted by [S.S.I. 2020/437 art. 17\(2\)\(a\)](#)
- art. 4 coming into force by [S.I. 1997/3061 art. 1](#)
- art. 5 coming into force by [S.I. 1997/3061 art. 1](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order applied (with modifications) by [S.S.I. 2006/270 art. 16](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. para. 1A substituted for Sch. para. 1 2 by [S.S.I. 2023/35 art. 13\(3\)\(a\)](#)
- Sch. para. 4 words substituted by [S.S.I. 2023/35 art. 13\(3\)\(b\)](#)
- Sch. Class 9 para.(b) amended by [S.I. 1998/1196 art.2](#)
- Sch. class 7 words substituted by [S.S.I. 2009/248 Sch. 1 para. 14](#)
- art. 3(5)(k) inserted by [S.S.I. 1999/1 reg. 47\(2\)](#)
- art. 3(5)(l)(m) inserted by [S.S.I. 2016/421 art. 3\(2\)\(b\)](#)
- art. 3(5)(n) and word inserted by [S.S.I. 2020/437 art. 17\(2\)\(b\)](#)
- art. 3(6) inserted by [S.S.I. 2016/421 art. 3\(3\)](#)
- art. 3(6) words substituted by [S.S.I. 2023/35 art. 13\(2\)](#)