
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 437

The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Amendment Order 2020

New Class 22A and 22B

15. In Part 7 (forestry building and operations) of schedule 1, after class 22 insert—

“Class 22A

(1) Development consisting of a change of use of a building from use for the purposes of forestry to use as a dwelling together with the following building operations to the extent which they are reasonably necessary to convert the building to use as a dwelling—

- (a) the installation or replacement of—**
 - (i) windows, doors, roofs, or exterior walls,**
 - (ii) water, drainage, sewerage, electricity, gas or other services,****to the extent reasonably necessary for the building to function as a dwelling,**
- (b) partial demolition to the extent reasonably necessary to carry out building operations allowed by subparagraph (a)(i),**
- (c) the provision of access to the dwelling and of a hard surface for the purpose of the parking of vehicles incidental to the enjoyment of the dwelling.**

Limitations

- (2) Development is only permitted by this class if—**
 - (a) the building was used solely for the purposes of forestry on 4 November 2019, or**
 - (b) in the case of a building which was not in use on 4 November 2019 but was in use before that date, when the building was last in use it was used solely the purposes of forestry.**
- (3) Development is not permitted by this class if—**
 - (a) the building is constructed after 4 November 2019,**
 - (b) the cumulative number of separate residential units developed by virtue of this class within the same building would exceed 5,**
 - (c) the floor space of any residential unit developed by virtue of this class would exceed 150 square metres,**
 - (d) the development would result in the external dimensions of the building (excluding guttering and pipes required for drainage or sewerage, flues and aerials) extending beyond the external dimensions of the existing building at any given point,**
 - (e) the building is a listed building,**
 - (f) the building is situated on croft land or within—**
 - (i) the curtilage of a listed building,**
 - (ii) a site of archaeological interest,**

- (iii) a safety hazard area,
- (iv) a military explosives storage area.

Conditions

- (4) Development is permitted by this class subject to the following conditions—
 - (a) the developer must before beginning the development apply to the planning authority for a determination as to whether the prior approval of the authority is required in respect of—
 - (i) the design or external appearance of the building,
 - (ii) the provision of adequate natural light in all habitable rooms of the dwelling,
 - (iii) the impacts of the proposed development on transport,
 - (iv) access to the dwelling,
 - (v) the impacts of noise on residents or occupiers of the building if used as a dwelling,
 - (vi) risks to occupiers of the proposed dwelling from contamination from the site,
 - (vii) the risk of flooding of the site,
 - (b) the application is to be accompanied by—
 - (i) a written description of the development, including a description of any building operations and materials to be used,
 - (ii) a plan showing the location of the development,
 - (iii) such other plans and drawings as are necessary to describe the development, including plans showing the elevations of the development and the location of windows and doors,
 - (iv) any fee required to be paid,
 - (c) the development is not to be commenced before the occurrence of one of the following—
 - (i) the receipt by the applicant from the planning authority of a written notice of their determination that their prior approval is not required,
 - (ii) the expiry of a period of 28 days following the date on which the application was received by the planning authority without the planning authority giving notice to the applicant of their determination that, or the extent to which, such approval is required,
 - (iii) the applicant has (or to the extent required has) received such approval from the planning authority,
 - (d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—
 - (i) to the extent to which prior approval is required, in accordance with the details approved,
 - (ii) to the extent to which prior approval is not required, in accordance with the details submitted with the application,
 - (e) the development is to be carried out within a period of three years from the date on which all approvals required in accordance with this sub-paragraph have been given.

Interpretation

- (5) For the purposes of this class—

“dwelling” means a dwellinghouse, a building containing one or more flats or a flat contained within such a building, and

“residential unit” means a dwellinghouse or a flat.

Class 22B

(1) Development consisting of a change of use of a building from—

- (a) use for the purposes of forestry to a flexible commercial use, or**
- (b) a flexible commercial use permitted by virtue of this class to another flexible commercial use,**

together with the following building operations described in sub-paragraph (2) to the extent which they are reasonably necessary to convert the building to a flexible commercial use.

(2) The building operations are—

- (a) the installation or replacement of—**
 - (i) windows, doors, roofs, or exterior walls,**
 - (ii) water, drainage, sewerage, electricity, gas or other services,**

to the extent reasonably necessary for the building to function for the purposes of the flexible commercial use to which the building converted,

- (b) partial demolition to the extent reasonably necessary to carry out building operations allowed by sub-paragraph (a)(i),**
- (c) the provision of access to the building and of a hard surface for the purpose of the parking of vehicles incidental to the enjoyment of the building for the purposes of the flexible commercial use.**

Limitations

(3) Development is only permitted by this class if—

- (a) the building was used solely for the purposes of forestry on 4 November 2019, or**
- (b) in the case of a building which was not in use on 4 November 2019 but was in use before that date, when the building was last in use it was used solely for the purpose of forestry.**

(4) Development is not permitted by this class if—

- (a) the building is constructed after 4 November 2019,**
- (b) the cumulative floor space developed by virtue of this class would exceed 500 square metres,**
- (c) the development would result in the external dimensions of the building (excluding guttering and pipes required for drainage or sewerage, flues and aerials) extending beyond the external dimensions of the existing building at any given point,**
- (d) the building is a listed building,**
- (e) the building is situated within—**
 - (i) the curtilage of a listed building,**
 - (ii) a site of archaeological interest,**
 - (iii) a safety hazard area,**
 - (iv) a military explosives storage area.**

Conditions

(5) Development is permitted by this class subject to the following conditions—

- (a) the developer must before beginning the development apply to the planning authority for a determination as to whether the prior approval of the authority is required in respect of—
 - (i) the design or external appearance of the building,
 - (ii) the impacts of the proposed development on transport,
 - (iii) access to the dwelling,
 - (iv) the impacts of noise on those using the building or as a result of the development,
 - (v) risks to those using the building from contamination from the site,
 - (vi) the risk of flooding of the site,
- (b) the application is to be accompanied by—
 - (i) a written description of the development, including a description of any building operations and materials to be used,
 - (ii) a plan showing the location of the development,
 - (iii) such other plans and drawings as are necessary to describe the development,
 - (iv) any fee required to be paid,
- (c) the development is not to be commenced before the occurrence of one of the following—
 - (i) the receipt by the applicant from the planning authority of a written notice of their determination that their prior approval is not required,
 - (ii) the expiry of a period of 28 days following the date on which the application was received by the planning authority without the planning authority giving notice to the applicant of their determination that, or the extent to which, such approval is required,
 - (iii) the applicant has (or to the extent required has) received such approval from the planning authority,
- (d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—
 - (i) to the extent to which prior approval is required, in accordance with the details approved,
 - (ii) to the extent to which prior approval is not required, in accordance with the details submitted with the application,
- (e) the development is to be carried out within a period of three years from the date on which all approvals required in accordance with this sub-paragraph have been given.

Interpretation

(6) The reference in sub-paragraph (1) to the use of a building as an agricultural building includes a building which when last used was used as an agricultural building.

(7) For the purposes of this class—

“flexible commercial use” means a use falling within the following classes of the Use Classes Order, or a combination of such uses—

- (a) class 1 (shops),
- (b) class 2 (financial, professional and other services),
- (c) class 3 (food and drink),
- (d) class 4 (business),

- (e) class 6 (storage or distribution),
- (f) class 10 (non-residential institutions).”