



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Duration of planning permission

58 General condition limiting duration of planning permission.

- (1) Subject to the provisions of this section, every planning permission granted or deemed to be granted shall be granted or, as the case may be, be deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of—
 - (a) 5 years beginning with the date on which the permission is granted or, as the case may be, deemed to be granted, or
 - (b) such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of the planning permission may direct.
- (2) The period mentioned in subsection (1)(b) shall be a period which the authority consider appropriate having regard to the provisions of the development plan and to any other material considerations.
- (3) If planning permission is granted without the condition required by subsection (1), it shall be deemed to have been granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the date of the grant.
- (4) Nothing in this section applies to—
 - (a) any planning permission granted by a development order,
 - (b) any planning permission for any development carried out before the grant of planning permission,

Status: Point in time view as at 27/05/1997.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Duration of planning permission is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) any planning permission granted for a limited period,
- (d) any planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste which is granted (or deemed to be granted) subject to a condition that the development to which it relates must be begun before the expiration of a specified period after—
 - (i) the completion of other development consisting of the winning and working of minerals already being carried out by the applicant for the planning permission, or
 - (ii) the cessation of depositing of mineral waste already being carried out by the applicant for the planning permission,
- (e) any planning permission granted by an enterprise zone scheme,
- (f) any planning permission granted by a simplified planning zone scheme, or
- (g) any outline planning permission, within the meaning of section 59.

59 Outline planning permission.

- (1) In this section “outline planning permission” means planning permission granted, in accordance with the provisions of regulations or a development order, with the reservation for subsequent approval by the planning authority or the Secretary of State of matters not particularised in the application (“reserved matters”).
- (2) Subject to the provisions of this section, where outline planning permission is granted for development consisting of or including the carrying out of building or other operations, it shall be granted subject to conditions to the effect—
 - (a) that, in the case of any reserved matter, application for approval must be made before—
 - (i) the expiration of 3 years from the date of the grant of outline planning permission,
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,
 whichever is the latest, and
 - (b) that the development to which the permission relates must be begun not later than—
 - (i) the expiration of 5 years from the date of the grant of outline planning permission, or
 - (ii) if later, the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (3) Only one application for approval may be made in a case to which subsection (2)(a) applies after the expiration of the 3 year period mentioned in subsection (2)(a)(i).
- (4) If outline planning permission is granted without the conditions required by subsection (2), it shall be deemed to have been granted subject to those conditions.
- (5) The authority concerned with the terms of an outline planning permission may in applying subsection (2) substitute, or direct that there be substituted, for the periods

Status: Point in time view as at 27/05/1997.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Duration of planning permission is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

of 3 years, 5 years and 2 years referred to in that subsection such other periods respectively (whether longer or shorter) as they consider appropriate.

- (6) The authority may also specify, or direct that there be specified, separate periods under subsection (2)(a) in relation to separate parts of the development to which the planning permission relates; and, if they do so, the condition required by subsection (2)(b) shall then be framed correspondingly by reference to those parts, instead of by reference to the development as a whole.
- (7) In considering whether to exercise their powers under subsections (5) and (6), the authority shall have regard to the provisions of the development plan and to any other material considerations.

60 Provisions supplementary to sections 58 and 59.

- (1) The authority referred to in section 58(1)(b) and 59(5) is—
- (a) the planning authority or the Secretary of State, in the case of planning permission granted by them,
 - (b) in the case of planning permission deemed to be granted under section 57(1), the department on whose direction planning permission is deemed to be granted,
 - (c) in the case of planning permission deemed to be granted under section 57(2), the Secretary of State, and
 - (d) in the case of planning permission granted on an appeal determined under paragraph 1 or 5 of Schedule 4 by a person appointed by the Secretary of State to determine the appeal, that person.
- (2) For the purposes of section 59, a reserved matter shall be treated as finally approved—
- (a) when an application for approval is granted, or
 - (b) in a case where the application is made to the planning authority and on an appeal to the Secretary of State against the authority's decision on the application the Secretary of State or a person mentioned in subsection (1)(d) grants the approval, when the appeal is determined.
- (3) Where a planning authority grant planning permission, the fact that any of the conditions of the permission are required by the provisions of section 58 or 59 to be imposed, or are deemed by those provisions to be imposed, shall not prevent the conditions being the subject of an appeal under section 47 against the decision of the authority.
- (4) In the case of planning permission (whether outline or other) which has conditions attached to it by or under section 58 or 59—
- (a) development carried out after the date by which the conditions require it to be carried out shall be treated as not authorised by the permission, and
 - (b) an application for approval of a reserved matter, if it is made after the date by which the conditions require it to be made, shall be treated as not made in accordance with the terms of the permission.

61 Termination of planning permission by reference to time limit: completion notices.

- (1) This section applies where—

Status: Point in time view as at 27/05/1997.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Duration of planning permission is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) by virtue of section 58 or 59, a planning permission is subject to a condition that the development to which the permission relates must be begun before the expiration of a particular period, that development has been begun within that period, but that period has elapsed without the development having been completed,
 - (b) development has been begun in accordance with planning permission under a simplified planning zone scheme but has not been completed by the time the area ceases to be a simplified planning zone, or
 - (c) development has been begun in accordance with planning permission under an enterprise zone scheme but has not been completed by the time the area ceases to be an enterprise zone.
- (2) If the planning authority are of the opinion that the development will not be completed within a reasonable period, they may serve a notice (“a completion notice”) stating that the planning permission will cease to have effect at the expiration of a further period specified in the notice.
 - (3) The period so specified must not be less than 12 months after the notice takes effect.
 - (4) A completion notice shall be served—
 - (a) on the owner of the land,
 - (b) on the occupier of the land, and
 - (c) on any other person who in the opinion of the planning authority will be affected by the notice.
 - (5) The planning authority may withdraw a completion notice at any time before the expiration of the period specified in it as the period at the expiration of which the planning permission is to cease to have effect.
 - (6) If they do so they shall immediately give notice of the withdrawal to every person who was served with the completion notice.

62 Effect of completion notice.

- (1) A completion notice shall not take effect unless and until it is confirmed by the Secretary of State.
- (2) In confirming a completion notice the Secretary of State may substitute some longer period for that specified in the notice as the period at the expiration of which the planning permission is to cease to have effect.
- (3) If, within such period as may be specified in a completion notice (which must not be less than 28 days from its service) any person on whom the notice is served so requires, the Secretary of State, before confirming the notice, shall give him and the planning authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) If a completion notice takes effect, the planning permission referred to in it shall become invalid at the expiration of the period specified in the notice (whether the original period specified under section 61(2) or a longer period substituted by the Secretary of State under subsection (2)).
- (5) Subsection (4) shall not affect any permission so far as development carried out under it before the end of the period mentioned in that subsection is concerned.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Duration of planning permission is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

63 Power of Secretary of State to serve completion notice.

- (1) If it appears to the Secretary of State that it is expedient that a completion notice should be served in respect of any land, he may himself serve such a notice under section 61.
- (2) A completion notice served by the Secretary of State shall have the same effect as if it had been served by the planning authority.
- (3) The Secretary of State shall not serve such a notice without consulting the planning authority.
- (4) The provisions of this Act relating to completion notices apply, so far as relevant, to a completion notice served by the Secretary of State as they apply to a completion notice served by a planning authority, but with the substitution for any reference in those provisions to the planning authority of a reference to the Secretary of State, and any other necessary modifications.

Status:

Point in time view as at 27/05/1997.

Changes to legislation:

Town and Country Planning (Scotland) Act 1997, Cross Heading: Duration of planning permission is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.