

*Status: Point in time view as at 30/11/2017.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, SCHEDULE 11 is up to date with all changes known to be in force on or before 21 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)*

## SCHEDULES

### SCHEDULE 11

Sections 76 and 89.

#### DEVELOPMENT NOT CONSTITUTING NEW DEVELOPMENT

- 1 (1) The carrying out of—
- (a) the rebuilding, as often as occasion may require, of any building which was in existence on 1st July 1948, or of any building which was in existence before that date but was destroyed or demolished after 7th January 1937, including the making good of war damage sustained by any such building;
  - (b) the rebuilding, as often as occasion may require, of any building erected after 1st July 1948 which was in existence at a material date;
  - (c) works for the maintenance, improvement or other alteration of any building, being works which—
    - (i) affect only the interior of the building, or do not materially affect the external appearance of the building, and
    - (ii) are works for making good war damage,so long as the cubic content of the original building, as ascertained by external measurement, is not substantially exceeded.
- (2) In sub-paragraph (1) “war damage” has the same meaning as in the <sup>M1</sup>War Damage Act 1943.

#### Marginal Citations

**M1** 1943 c. 21.

- 2 The use as two or more separate dwellinghouses of any building which at a material date was used as a single dwellinghouse.
- 3 Where after 1st July 1948—
- (a) any buildings or works have been erected or constructed, or any use of land has been instituted, and
  - (b) any condition imposed under Part III <sup>F1</sup>or by virtue of section 242A] of this Act, limiting the period for which those buildings or works may be retained, or that use may be continued, has effect in relation to those buildings or works or that use,
- this Schedule shall not operate except as respects the period specified in that condition.

#### Textual Amendments

**F1** Words in Sch. 11 para. 3(b) inserted (11.5.2006) by [Planning and Compulsory Purchase Act 2004 \(Commencement No.2 and Consequential Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/243\)](#), arts. 1(1), 4(13)

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- 4 For the purposes of paragraph 1 the cubic content of a building is substantially exceeded—
- (a) in the case of a dwellinghouse, if it is exceeded by more than one-tenth or 1,750 cubic feet, whichever is the greater, and
  - (b) in any other case, if it is exceeded by more than one-tenth.
- 5 (1) In this Schedule “at a material date” means at either—
- (a) 1st July 1948, or
  - (b) the date by reference to which this Schedule falls to be applied in the particular case in question.
- (2) Sub-paragraph (1)(b) shall not apply in relation to any buildings, works or use of land in respect of which, whether before or after the date mentioned in that sub-paragraph, an enforcement notice served before that date has become or becomes effective.
- 6 (1) In relation to a building erected after 1st July 1948 which results from the carrying out of any such works as are described in paragraph 1, any reference in this Schedule to the original building is a reference to the building in relation to which those works were carried out and not to the building resulting from the carrying out of those works.
- (2) This paragraph does not apply for the purposes of sections 82 or 88.

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