



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Duration of planning permission

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

Status: Point in time view as at 27/05/1997. This version of this provision has been superseded.

Changes to legislation: *Town and Country Planning (Scotland) Act 1997, Section 59 is up to date with all changes known to be in force on or before 29 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)*

- (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 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.

Status:

Point in time view as at 27/05/1997. This version of this provision has been superseded.

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