



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

##### *Duration of planning permission*

#### [<sup>F1</sup> 59 Planning permission in principle

- (1) “Planning permission in principle” is planning permission (granted in accordance with the provisions of regulations or a development order)—
- (a) in respect of the carrying out of building, engineering, mining or other operations in, on, over or under land, and
  - (b) subject to a condition, imposed under section 37(1)(a), that the development in question will not be begun until certain matters (which may, but need not be, particularised in the application) have been approved by the planning authority or as the case may be the Scottish Ministers.

[<sup>F2</sup>(2A) Where planning permission in principle is granted, it must 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
- (b) such other period (whether longer or shorter) as the authority concerned may specify when granting the permission.

(2B) If planning permission in principle is granted without the condition required by subsection (2A), the permission is deemed to be 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.

*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 23 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) View outstanding changes*

(2C) If development has not begun at the expiration of the period mentioned in paragraph (a) or (b) of subsection (2A) or, as the case may be, subsection (2B), the planning permission in principle lapses.

(2D) A period specified under subsection (2A)(b) is to be a period—

- (a) beginning with the date on which the planning permission in principle is granted, and
- (b) which the authority concerned consider appropriate having regard to the provisions of the development plan and to any other material considerations.]

[<sup>F3</sup>(8A) During the emergency period, a planning permission which otherwise would lapse under subsection (4) (including by virtue of a direction made under subsection (5)) lapses at the end of the extended period, unless, before the end of the extended period, the development to which the permission relates is begun.

(8B) Where the latest date by which an application would otherwise be required to be made under subsection (2)(a) falls within the emergency period, then that application may be made at any time before the end of the extended period.

(8C) In subsections (8A) and (8B)—

“emergency period” means the period <sup>F4</sup> ... beginning with the date on which paragraph 10 of schedule 7 of the Coronavirus (Scotland) Act 2020 came into force [<sup>F5</sup>and ending at the end of [<sup>F6</sup>30 September 2022]],

“extended period” means the period <sup>F7</sup> ... beginning with [<sup>F8</sup>the date that paragraph came into force and ending at the end of [<sup>F9</sup>31 March 2023]].

(8D) The Scottish Ministers may, by regulations, amend the definition of “emergency period” or “extended period” in subsection (8C).

(8E) Regulations under subsection (8D) are subject to the negative procedure.]]

#### Textual Amendments

- F1** S. 59 substituted (12.12.2008 for specified purposes, 3.8.2009 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 21, 59(2)** (as amended (2.8.2009) by [S.S.I. 2009/256](#), arts. 1(2), 5(2)) (with [S.S.I. 2009/222](#), **art. 11**); [S.S.I. 2008/411](#), art. 2(2)(3)(a), [S.S.I. 2009/219](#), art. 2, sch.
- F2** S. 59(2A)-(2D) substituted for s. 59(2)-(8) (1.10.2022) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 32(4), 63(2)**; [S.S.I. 2022/275](#), reg. 2(2)(b) (with reg. 3)
- F3** S. 59(8A)-(8E) inserted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), **sch. 7 para. 10** (with ss. 11-13)
- F4** Words in s. 59(8C) omitted (5.10.2020) by virtue of [The Town and Country Planning \(Emergency Period and Extended Period\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/254\)](#), regs. 1(1), **2(2)(a)**
- F5** Words in s. 59(8C) inserted (5.10.2020) by [The Town and Country Planning \(Emergency Period and Extended Period\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/254\)](#), regs. 1(1), **2(2)(b)**
- F6** Words in s. 59(8C) substituted (30.3.2022) by [The Town and Country Planning \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/66\)](#), regs. 1(1), **2(2)** (with reg. 4(2))
- F7** Words in s. 59(8C) omitted (5.10.2020) by virtue of [The Town and Country Planning \(Emergency Period and Extended Period\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/254\)](#), regs. 1(1), **3(2)(a)**

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- F8** Words in s. 59(8C) substituted (5.10.2020) by [The Town and Country Planning \(Emergency Period and Extended Period\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/254\)](#), regs. 1(1), **3(2)(b)**
- F9** Words in s. 59(8C) substituted (30.3.2022) by [The Town and Country Planning \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/66\)](#), regs. 1(1), **3(2)** (with reg. 4(2))

**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 23 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.

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

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

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

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)