
STATUTORY INSTRUMENTS

1992 No. 224

The Town and Country Planning (General Development Procedure) (Scotland) Order 1992

PART 1

INTRODUCTORY

Application, citation and commencement

1.—(1) This Order shall apply to all land in Scotland.

(2) If a special development order is made, or has been made before the commencement of this Order, in relation to any land, this Order shall apply thereto to such extent only and subject to such modifications as may be specified in the special order.

(3) This Order may be cited as the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 and shall come into force on 13th March 1992.

Interpretation

2.—(1) In this Order—

“the Act” means the Town and Country Planning (Scotland) Act 1972;

“category A listed building” means a listed building within the meaning of section 52(7) of the Act(1) specified as being category A in a list of buildings compiled or approved and amended as the case may be by the Secretary of State in accordance with that provision(2) as at the date of coming into force of this Order;

“cemetery” includes a burial ground or any other place of interment for the dead;

“district salmon fishery board” has the meaning assigned to it by section 40 of the Salmon Act 1986(3);

“the Fees Regulations” means the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 1990(4);

“historic garden or designed landscape” means a garden or landscape identified in the “Inventory of Gardens and Designed Landscapes in Scotland”(5);

“landscaping” means the treatment of land (other than buildings) being a site or part of a site in respect of which an outline planning permission is granted, for the purpose of enhancing or protecting the amenities thereof and the area in which it is situated, and includes screening by

(1) section 52(7) was amended by the Housing and Planning Act 1986 (c. 63), Schedule 9, paragraph 13(1).

(2) These lists are held at the offices of Historic Scotland, 20 Brandon Street, Edinburgh EH3 5RA and also within the offices of a general planning authority or district planning authority in respect of their district, where they may be inspected by the public.

(3) 1986 c. 62.

(4) S.I. 1990/563, amended by S.I. 1990/2474.

(5) Published in 1988 by the Countryside Commission for Scotland and the Scottish Development Department, available from the Countryside Commission for Scotland, Battleby, Redgorton, Perth PH1 3EW, price £70, ISBN number 0902226916.

fences, walls or other means, planting of trees, hedges, shrubs or grass, formation of banks, terraces or other earthworks, layout of gardens or courts, and other amenity features;

“listed building” means a listed building within the meaning of section 52(7) of the Act;

“neighbouring land” means land which is conterminous with or within 4 metres of the boundary of land for which the development is proposed but only if any part of such land is within 90 metres of any part of the development in question:

Provided that—

- (a) where the proposed development is taking place within a building divided into separate units “neighbouring land” shall include—
 - (i) those parts of the building conterminous with or within 4 metres of the boundary of that unit; and
 - (ii) all units directly above and below the unit for which the development is proposed and all units directly above and below those parts of the building conterminous with or within 4 metres of the boundary of that unit; and
 - (iii) land outwith the building which is conterminous with or within 4 metres of the boundary of the unit for which the development is proposed;
- (b) where the “neighbouring land” consists of or includes a building divided into separate units, and the proposed development is taking place within a building which is not divided into separate units, only those units of that building which are conterminous with or are within 4 metres of the boundary of the land for which the development is proposed and all parts of the building directly above and below those units shall constitute neighbouring land;
- (c) where the “neighbouring land” consists of or includes a building divided into separate units, and the proposed development is taking place within a building which is also divided into separate units, only those units of the former building which are conterminous with or are within 4 metres of the boundary of the unit for which the development is proposed and all parts of the building directly above and below those units shall constitute neighbouring land;
- (d) where a road falls within the distance of 4 metres measured from the boundary of the land or the boundary of the unit (as the case may be) for which the development is proposed, the width of such road shall be disregarded in calculating the specified distance unless the road is more than 20 metres in width;

“outline planning permission” means a planning permission for the carrying out of building or other operations which is granted subject to a condition (in addition to any other conditions which may be imposed) requiring subsequent approval to be obtained from the planning authority with respect to one or more reserved matters;

“public road” means a road which a roads authority have a duty to maintain;

“reserved matters” in relation to an outline planning permission or an application for such permission, means any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of any building to which the planning permission or the application relates, or the means of access to such building, or the landscaping of the site in respect of which the application was made;

“river purification authority” means a river purification board established under section 135 of the Local Government (Scotland) Act 1973(6) or an islands council;

“scheduled monument” has the meaning given by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979(7);

“slurry” means animal faeces and urine (whether or not water has been added);

“special road” means a road provided or to be provided in accordance with a scheme under section 7 of the Roads (Scotland) Act 1984(8);

“trunk road” means a road or proposed road which is a trunk road within the meaning of section 151 of the Roads (Scotland) Act 1984 that is to say, a road which is a trunk road by virtue of section 5 of that Act or of an order or direction under that section or section 198(2) of the Act;

“waste disposal authority” means a district or islands council exercising its function as a disposal authority under Part I of the Control of Pollution Act 1974(9) or as waste disposal authority under Part II of the Environmental Protection Act 1990(10).

(2) Any reference to a numbered article or Schedule is a reference to the article or as the case may be the Schedule bearing that number in this Order and a reference to a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph having that number in the article or paragraph in the Schedule in which the reference appears.

(3) Any requirement that a form shall be as set out in a specified Schedule shall be construed as meaning a form as so specified or a form substantially to the like effect.

(7) 1979 c. 46.

(8) 1984 c. 54.

(9) 1974 c. 40.

(10) 1990 c. 43.