
STATUTORY INSTRUMENTS

1997 No. 3061

**The Town and Country Planning
(Use Classes) (Scotland) Order 1997**

Use Classes

3.—(1) Subject to the provisions of this Order, where a building or other land is used for a purpose in any class specified in the Schedule to this Order, the use of that building or that other land for any other purpose in the same class shall not be taken to involve development of the land.

(2) References in paragraph (1) to a building include references to land occupied with the building and used for the same purposes.

(3) A use included in and ordinarily incidental to any use in a class shall not be precluded from that use by virtue of being specified in another class.

(4) Where land on a single site or on adjacent sites used as parts of a single undertaking comprises uses within both class 4 (business) and class 5 (general industrial), those uses may be treated as if they were in a single class in considering the use of that land for the purposes of this Order, provided that the area used for a purpose falling within class 5 (general industrial) shall not be substantially increased as a result.

(5) Nothing in any class shall include any use—

- (a) as a theatre;
- (b) as an amusement arcade or centre or funfair;
- (c) for the sale of fuel for motor vehicles;
- (d) for the sale or display for sale of motor vehicles;
- (e) for a taxi business or for the hire of motor vehicles;
- (f) as a scrapyard or a yard for the breaking of motor vehicles;
- (g) for the storage or distribution of minerals;
- (h) as a public house;
- (i) for any work registrable under the Alkali etc. Works Regulation Act 1906(1);^{F1} ...
- (j) for the sale of hot food for consumption off the premises;
- ^{F2}(k) as a waste disposal installation for the incineration, chemical treatment (as defined in Annex IIA to Directive 75/442/EEC under heading D9), or landfill of waste to which Directive 91/689/EEC applies;]
- ^{F3}(l) as a betting office;^{F4} ...
- (m) as a pay day loan shop]^{F5}; or
- (n) of a building for flexible commercial use within the meaning of, and as permitted by virtue of class 18C or class 22B of schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.]

[^{F6}(6) In this article—

“high-cost short-term credit” has the meaning given in the edition of the Financial Conduct Authority’s Handbook which came into effect on 1st April 2014 (following an amendment by the Authority in the Consumer Credit (Consequential and Supplementary Amendments) Instrument 2014); and

“pay day loan shop” means premises—

- (a) from which high-cost short-term credit is provided principally to visiting members of the public and includes premises from which such credit is provided in addition to other financial or professional services; and
- (b) which, but for provision made in this article, would fall within [^{F7}paragraph (2) of class 1A (financial, professional and other services)] of the schedule of this Order.]

Textual Amendments

- F1** Word in art. 3(5) omitted (10.2.2017) by virtue of The Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2016 (S.S.I. 2016/421), arts. 1(1), **3(2)(a)** (with art. 4)
- F2** Art. 3(5)(k) inserted (1.8.1999) by The Environmental Impact Assessment (Scotland) Regulations 1999 (S.S.I. 1999/1), regs. 1, **47(2)**
- F3** Art. 3(5)(l)(m) inserted (10.2.2017) by The Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2016 (S.S.I. 2016/421), arts. 1(1), **3(2)(b)** (with art. 4)
- F4** Word in art. 3(5) omitted (1.4.2021) by virtue of The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Amendment Order 2020 (S.S.I. 2020/437), arts. 1, **17(2)(a)** (with art. 2)
- F5** Art. 3(5)(n) and word inserted (1.4.2021) by The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Amendment Order 2020 (S.S.I. 2020/437), arts. 1, **17(2)(b)** (with art. 2)
- F6** Art. 3(6) inserted (10.2.2017) by The Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2016 (S.S.I. 2016/421), arts. 1(1), **3(3)** (with art. 4)
- F7** Words in art. 3(6) substituted (31.3.2023) by The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Miscellaneous Amendment Order 2023 (S.S.I. 2023/35), arts. 1, **13(2)** (with art. 2)

Commencement Information

- I1** Art. 3 in force at 2.2.1998, see **art. 1**

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Use Classes) (Scotland) Order 1997, Section 3.