

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces, with certain amendments, the Town and Country Planning (Use Classes) (Scotland) Order 1989 as amended by the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1993. The 1989 Order is revoked.

This Order specifies classes of use of buildings or other land for the purposes of section 26(2)(f) of the Town and Country Planning (Scotland) Act 1997. Section 26(2) specifies operations or uses which are not to be taken for the purposes of the Act as involving development, and which therefore do not require planning permission. Paragraph (f) provides that a change of use is not to be regarded as involving development where the former use and the new use are both within the same class specified in an order made under that paragraph.

Various changes are made in this Order to the classes of use specified in the Schedule to the 1989 Order.

Classes 1, 2 and 4 (shops; financial, professional and other services; and business) remain the same.

Class 3 (food and drink) has been amended to exclude use for the sale of hot food for consumption off the premises. This has been added to article 3(5) as a *sui generis* use.

Class 5 (general industrial) now covers the previous classes 7 to 10 (special industrial groups B to E) which have been deleted.

Class 6 (storage or distribution) reflects the old class 11.

Classes 7, 8, 10 and 11 (hotels and hostels; residential institutions; non-residential institutions; and assembly and leisure) reflect the previous classes 12, 13, 15 and 16.

Class 9 (houses) largely reflects the former class 14 but has been extended to include limited use as a bed and breakfast or guest house.

Some minor consequential amendments have also been made.

Changes to legislation:

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