

2018 No. 1

TOWN AND COUNTRY PLANNING

**The Town and Country Planning (Miscellaneous Amendments
and Transitional Saving Provision) (Scotland) Order 2018**

Made - - - - - *9th February 2018*

Laid before the Scottish Parliament *12th February 2018*

Coming into force *1st April 2018*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 26(2)(f), 30, 31, 275(2B) and 275(8) of the Town and Country Planning (Scotland) Act 1997(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as The Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2018 and come into force on 1st April 2018.

(2) In this Order—

“the Use Classes Order” means the Town and Country Planning (Use Classes) (Scotland) Order 1997(b)

(3) In this Order, the following expressions have the meaning assigned to them:—

“Short-term lets” means residential dwellings which are used for the commercial purpose of holidays or short breaks other than a use within class 9 (houses).

Amendments to the Use Classes Order

2.—(1) The Use Classes Order is amended in accordance with the following paragraphs.

(2) In article 3(7) insert—

(a) “short-term lets”

(3) In article 3(9) insert—

(a) omit “other than a flat” occurring after sub-paragraph (a) and insert “whether detached, semi-detached or as part of a flatted building”.

(a) 1997 c.8 (“the 1997 Act”). Section 275(2A) was inserted by section 54(16)(a) of the Planning etc. (Scotland) Act 2006 (asp 17) and was renumbered as section 275(2B) by paragraph 32 of schedule 3 of the Regulatory Reform (Scotland) Act 2014 (asp 3). There are other amendments to the 1997 Act which are not relevant to this Order.

(b) S.I. 1997/3061, which was relevantly amended by S.S.I. 1999/1.

Transitional saving provision for premises in the process of conversion to use as a short-term let

3.—(1) The Use Classes Order continues to have effect, in respect of a change of use of a building to use as a short-term let, as if it had not been amended by this Order if—

- (a) such change of use occurs before 1st April 2021.

Edinburgh
9th February 2018

ANDY WIGHTMAN MSP
Authorised to sign by the Scottish Greens

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (Use Classes) (Scotland) Order 1997 (“the Use Classes Order”).

The Use Classes Order specifies classes for the purposes of section 26(2)(f) of the 1997 Act which provides that a change of use of a building or other land does not involve development for the purposes of the 1997 Act if the new use and the former use are both within the same specified class. This Order amends the Use Classes Order by providing that use as a short-term let are included in articles 7 and 9 of the Use Classes Order.

Article 3 of this Order makes transitional saving provision in relation to premises which at the date of coming into force of this Order are in the process of converting to a short-term let. The transitional saving provision is that: for 3 years after this Order comes into force, the Use Classes Order continues to have effect in relation to such premises as if it had not been amended by this Order.