



## Briefing for the Public Petitions Committee

**Petition Number:** [PE1497](#)

**Main Petitioner:** Elli Harrison

**Subject:** Calling on the Scottish Parliament to urge the Scottish Government to give local councils and communities the power to stop unwanted supermarket expansion on their local high streets.

### Background

The town and country planning system exists to guide the future development and use of land in Scotland for the long term public interest. It aims to ensure that new development and changes in land use happen in suitable locations.

Anyone wishing to build a new shop has to obtain planning permission prior to doing so. However, anyone wishing to change the nature of the goods and/or services provided from an existing shop does not need planning permission for that change of use under the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended. However, planning permission may still be required for changes to the fabric of a shop, e.g. changes to the frontage.

The identity of a developer is not a “material consideration” in a decision on the grant of planning permission by a planning authority. Every planning application is considered on its own planning merits, which do not include the identity of the applicant.

### The Use Classes Order

The purpose of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (“the Use Classes Order”), as amended, is to group various uses within broad classes so that any change of use within a class does not require planning permission. The Use Classes Order defines 11 use classes. Class 1 is “Shops” – which includes:

“Class 1. Shops

Use–

- (a) for the retail sale of goods other than hot food;
- (b) as a post office;

- (c) for the sale of tickets;
- (d) as a travel agency;
- (e) for the sale of cold food for consumption off the premises;
- (f) for hairdressing;
- (g) for the direction of funerals;
- (h) for the display of goods for sale;
- (i) for the hiring out of domestic or personal goods or articles;
- (j) as a launderette or dry cleaners; or
- (k) for the reception of goods to be washed, cleaned or repaired;

where the sale, display or service is principally to visiting members of the public.”

This means that any change of use between the types of shop listed above do not require planning permission. It is important to note that any changes to the fabric of a shop may require planning permission.

### **Scottish Government Action**

The Scottish Government currently has no plans to review the Use Classes Order.

### **Scottish Parliament Action**

The Scottish Parliament has not considered the Use Classes Order.

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