
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 156

**The Town and Country Planning
(Appeals) (Scotland) Regulations 2013**

PART 5

Appeals under section 18 of the Listed Buildings Act

Notice of appeal

17.—(1) An appeal to the Scottish Ministers under—

- (a) section 18(1) of the Listed Buildings Act;
- (b) section 18(2) of the Listed Buildings Act; or
- (c) section 18(1) or (2) of the Listed Buildings Act as applied by—
 - (i) section 17 of that Act; or
 - (ii) section 66 of that Act,

is to be made by giving notice in writing in accordance with this regulation.

(2) In relation to an application mentioned in section 18(1)(a) or (b) of the Listed Buildings Act the relevant period prescribed for the purposes of section 18(3)(a) of the Listed Buildings Act is the period of two months from the date of receipt of the application by the planning authority.

(3) The notice of appeal must be served on the Scottish Ministers within the period of three months beginning with, in the case of an appeal under—

- (a) section 18(1) of the Listed Buildings Act, the date of the decision notice; and
- (b) section 18(2) of the Listed Buildings Act, the date of expiry of the period allowed for determination of the application.

(4) In relation to an appeal made under section 18 of the Listed Buildings Act—

- (a) this Part and Parts 1, 3, 9 and 10, the Hearing Session Rules and the Inquiry Session Rules apply; and
- (b) the following provisions of Part 2 apply as they apply to an appeal under section 47 of the Act with the modifications specified in paragraph (5)—
 - (i) regulation 3(4) to (6);
 - (ii) regulation 4 other than paragraph (2)(c); and
 - (iii) regulations 5 and 6.

(5) The modifications are—

- (a) regulation 3(4)(e) applies as if the reference to section 47(1) of the Act is a reference to section 18(1) of the Listed Buildings Act;
- (b) regulation 5(2)(a) applies as if the reference to the Act is a reference to the Listed Buildings Act; and

(c) regulation 5(2)(b) and (3)(b) and (c) apply as if the reference to development is a reference to the works for which listed building consent is sought.

(6) An appeal under section 18 of the Listed Buildings Act is not to be entertained by the Scottish Ministers unless it is accompanied by a certificate required under regulation 18.

Notice to owners

18.—(1) The appellant is to give notice in the form set out in Part 1 of Schedule 3 to any person (other than the appellant) who at the beginning of the prescribed period is the owner of the building to which the appeal relates.

(2) Where the appellant is unable to give notice to every person (other than the appellant) who at the beginning of the prescribed period was the owner of the building to which the appeal relates, the appellant must publish a notice in a local newspaper circulating in the locality in which the building is situated.

(3) Notice under paragraph (2) is to—

- (a) be in the form set out in Part 2 of Schedule 3; and
- (b) be published before the beginning of the prescribed period.

(4) The appellant must issue a certificate stating, as appropriate—

- (a) that at the beginning of the prescribed period no person (other than the appellant) was the owner of the building to which the appeal relates;
- (b) that the appellant has given notice to every person (other than the appellant) who at the beginning of the prescribed period was the owner of the building to which the appeal relates; or
- (c) that the appellant is unable to give notice to every such person.

(5) A certificate issued—

- (a) under paragraph (4)(b) or (c) must state the name of every person to whom notice was given and the address at and date on which such notice was given;
- (b) under paragraph (4)(c) must certify that—
 - (i) the appellant has taken reasonable steps (specifying them) to ascertain the names and addresses of those persons to whom the applicant has been unable to give notice; and
 - (ii) that a notice has been published in accordance with paragraph (2) (specifying the date and place of publication).

(6) In this regulation “prescribed period” means the period of 21 days ending with the date on which notice of appeal is given to the Scottish Ministers under section 19(1) of the Listed Buildings Act.