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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 156**

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

**PART 1**

**Preliminary**

**Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Town and Country Planning (Appeals) (Scotland) Regulations 2013 and come into force on 30th June 2013.

(2) Subject to paragraph (4), these Regulations apply as specified in paragraph (6) to appeals under—

- (a) section 47 of the Act (appeal against planning decisions and failure to take such decisions);
- (b) section 130 of the Act (appeal against enforcement notice);
- (c) section 154 of the Act (appeal against refusal of certificate of lawful use or development);
- (d) section 169 of the Act (appeal against section 168 notice); and
- (e) section 180 of the Act (appeal against amenity notice),

where notice of appeal is given to the Scottish Ministers under section 47(3), 130(2), 154(2), 169(2) or 180(2) of the Act, as the case may be, on or after 3rd August 2009.

(3) These Regulations apply as specified in paragraph (8) to appeals under—

- (a) section 18(1) of the Listed Buildings Act (appeal against refusal of, or conditional consent to, applications for listed building consent or against refusal of approval required by a condition);
- (b) section 18(2) of the Listed Buildings Act (appeal in default of decision on application for listed building consent or for approval required by a condition);
- (c) section 18(1) and (2) of the Listed Buildings Act as applied by—
  - (i) section 17 of that Act (applications for variation or discharge of conditions); or
  - (ii) section 66 of that Act (control of demolition of buildings in conservation areas);
- (d) section 35 of the Listed Buildings Act (appeal against listed building enforcement notices); and
- (e) section 35 of the Listed Buildings Act as applied by section 66 of that Act (appeals against enforcement notices in respect of the demolition of buildings in conservation areas),

where notice of appeal is given to the Scottish Ministers under section 19(1) or 35(2) of the Listed Buildings Act, as the case may be, on or after 1st December 2011.

(4) These Regulations apply as specified—

- (a) in Part 6 to appeals under section 47 of the Act as applied by regulation 21 of the 1984 Regulations; and

- (b) in regulation 14(7) to appeals under section 130 of the Act as applied by regulation 25 of the 1984 Regulations,

where notice of appeal is given to the Scottish Ministers on or after 30th June 2013.

(5) These Regulations apply as specified—

- (a) in regulation 21 to appeals under section 75B of the Act (planning obligations: appeals); and
- (b) in regulation 22 to appeals under section 75F of the Act (good neighbour agreements: appeals).

(6) These Regulations—

- (a) other than Parts 4 to 8 and Schedule 3, apply to an appeal under section 47 of the Act;
- (b) apply to appeals under sections 130, 169 and 180 of the Act in accordance with regulation 14(6); and
- (c) apply to an appeal under section 154 of the Act in accordance with regulation 23.

(7) These Regulations apply in accordance with regulation 24 to applications referred to the Scottish Ministers following—

- (a) a direction under section 46(1) of the Act (call-in of applications by the Scottish Ministers) given on or after 3rd August 2009; and
- (b) a direction under section 11(1) of the Listed Buildings Act (reference of certain applications to the Scottish Ministers) given on or after 1st December 2011.

(8) These Regulations apply—

- (a) to an appeal under section 18 of the Listed Buildings Act in accordance with regulation 17(4); and
- (b) to an appeal under section 35 of the Listed Buildings Act in accordance with regulation 14(6).

(9) These Regulations apply in accordance with regulation 25 to applications made to the Scottish Ministers under section 242A of the Act (urgent crown development: application) on or after 30th June 2013.

(10) These Regulations apply as specified in Schedule 4 where—

- (a) a security direction has been given in relation to an application or appeal; or
- (b) a request for a security direction has been made to the Scottish Ministers or the Secretary of State but no determination as to whether or not to give a direction has been made.