

SCHEDULE 2

PART 2

Modification of Schedule 1 of the 1982 Act

Preliminary refusal

8. After paragraph 2, insert—

“Preliminary refusal: breach of planning control

2A.—(1) A licensing authority may, within 21 days of receipt of an application for a licence, refuse to consider the application where it considers that use of the premises for a short-term let would constitute a breach of planning control for the purposes of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”)(1) by virtue of section 123(1) (a) or (b) of that Act.

(2) The licensing authority must, within 7 days of deciding to refuse to consider an application for a short-term let licence, serve notice of its decision on—

- (a) the applicant,
- (b) the relevant planning authority, and
- (c) the chief constable.

(3) The notice must—

- (a) give the licensing authority’s reason for refusing to consider the application, and
- (b) in the case of a notice to the applicant, inform the applicant of the effect of sub-paragraph (4).

(4) No fee may be charged in respect of a further application for a licence in relation to the premises concerned made within 28 days of the applicant subsequently obtaining—

- (a) planning permission under Part III of the 1997 Act, or
- (b) a certificate of lawfulness of use or development under section 150 or 151 of the 1997 Act,

in respect of the use of the premises for short-term lets.

(5) A refusal to consider an application under sub-paragraph (1) is not to be treated as a refusal to grant a licence under paragraph 5.”.

Commencement Information

II Sch. 2 para. 8 in force at 1.3.2022, see art. 1

(1) 1997 c. 8. Section 123(1) was relevantly amended by section 6(2) of the Planning etc. (Scotland) Act 2006 (asp 17).

Changes to legislation:

There are currently no known outstanding effects for the The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, Paragraph 8.