



Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997)

1972 CHAPTER 52

PART III

GENERAL PLANNING CONTROL

Applications for planning permission

22 Form and content of applications.

[^{F1}(0)] Any application to a . . . ^{F2} planning authority for planning permission shall be made in such manner as may be prescribed by regulations under this Act [^{F3}or by a development order], and shall include such particulars, and be verified by such evidence, as may be required [^{F4}by—

- (a) the regulations; or
- (b) the development order; or
- (c) directions given by the planning authority under the said regulations or the said development order.]

^{F5}(2)

Textual Amendments

- F1** Word in s. 22 repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**
- F2** Word repealed by **Local Government (Scotland) Act 1973 (c. 65), s. 172(2)**
- F3** Words inserted by **Local Government and Planning (Scotland) Act 1982 (c. 43), Sch. 2 para. 2(b)**
- F4** Words substituted by **Local Government and Planning (Scotland) Act 1982 (c. 43), Sch. 2, para. 2(c)**
- F5** **S. 22(2)** repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**

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Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Cross Heading: Applications for planning permission. (See end of Document for details)

[^{F6}23] **Publication of notices of applications.**

- (1) Subject to subsection (2) below, [^{F7}regulations under this Act or]a development order may provide, either in relation to applications generally or in relation to applications of a class or classes prescribed in the order, that—
- (a) any such application shall have been notified to such persons or classes of person, and in such manner, as may be so prescribed;
 - (b) any such application shall have been advertised, either in a local newspaper or on the land to which the application relates, or both, in such a manner and for such a period or on such a number of occasions as may be so prescribed;
 - (c) any newspaper advertisement required by virtue of paragraph (b) above shall be placed by the planning authority to whom the application is made;
 - (d) the planning authority may recover from the applicant the cost incurred by them in arranging any such advertisement;
 - (e) any such application shall be accompanied by such certificates as to compliance with the requirements of provisions made under paragraphs (a) and (b) above as may be so prescribed;
 - (f) the applicant shall furnish, at such time and to such persons as may be so prescribed, such information with respect to the application as may be so prescribed;
 - (g) no such application shall be entertained unless such further conditions as to payment as may be so prescribed have been complied with;
 - (h) no such application shall be determined until after the expiry of any period which may be so prescribed.
- (2) The applications mentioned in subsection (1) above are—
- (a) applications for planning permission;
 - (b) applications for an approval required by a development order; or
 - (c) applications for any consent, agreement or approval required by a condition imposed on a grant of planning permission.
- (3) If any person knowingly or recklessly—
- (a) issues a notification; or
 - (b) makes advertisement (other than newspaper advertisement); or
 - (c) supplies a certificate,
- which purports to comply with provisions made under subsection (1) above but which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence, and liable on summary conviction to a fine not exceeding [^{F8}level 3 on the standard scale].]
- [^{F9}(4) A planning authority shall not entertain any application for planning permission unless any requirements imposed by virtue of this section have been satisfied.
- (5) Proceedings for an offence under this section may be brought at any time within the period of two years following the commission of the offence.]

Textual Amendments

F6 S. 23 substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), ss. 41, 69\(2\)](#)

F7 Words in s. 23(1) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), s. 61, [Sch. 13 para. 6\(a\)](#) (with s. 84(5)); S.I. 1991/2092, [art.3](#)

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- F8** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **ss. 289F**, 289G (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), **s. 54**)
- F9** [S. 23\(4\)\(5\)](#) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), **s. 61**, **Sch. 13 para. 6(b)** (with [s. 84\(5\)](#)); [S.I. 1991/2092](#), **art.3**

Modifications etc. (not altering text)

- C1** [S. 23](#) applied (1.1.1997) by [1995 c. 25, s. 96\(1\)](#), **Sch. 13 para. 7(6)** (with [ss. 7\(6\)](#), 115, 117); [S.I. 1996/2857](#), **art. 2**
[S. 23](#) applied (1.1.1997) by [1995 c. 25, s. 96\(1\)](#), **Sch. 14 para. 6(4)** (with [ss. 7\(6\)](#), 115, 117); [S.I. 1996/2857](#), **art. 2**
- C2** [S. 23](#) extended (1.1.1997) by [1995 c. 25, s. 96\(1\)](#), **Sch. 13 para. 9(4)** (with [ss. 7\(6\)](#), 115, 117); [S.I. 1996/2857](#), **art. 2**
- C3** [S. 23\(3\)](#) extended (1.1.1997) by [1995 c. 25, s. 96\(1\)](#), **Sch. 13 para. 7(6)** (with [ss. 7\(6\)](#), 115, 117); [S.I. 1996/2857](#), **art. 2**
[S. 23\(3\)](#) extended (1.1.1997) by [1995 c. 25, s. 96\(1\)](#), **Sch. 13 para. 9(4)** (with [ss. 7\(6\)](#), 115, 117); [S.I. 1996/2857](#), **art. 2**
[S. 23\(3\)](#) extended (1.1.1997) by [1995 c. 25, s. 96\(1\)](#), **Sch. 14 para. 6(4)** (with [ss. 7\(6\)](#), 115, 117); [S.I. 1996/2857](#), **art. 2**

[24 ^{F10} **Notice etc. of applications to owners and agricultural tenants.**

- (1) A development order or regulations under this Act shall make provision—
- (a) as to the notice of any application for planning permission to be given to any person (other than the applicant) who at the beginning of the period of twenty-one days ending with the date of the application was—
- (i) the owner of, or
- (ii) the tenant of any agricultural holding any part of which was comprised in,
- any of the land to which the application relates; and
- (b) requiring any applicant for such permission to issue a certificate as to the interests in the land to which the application relates or the purpose for which it is used,
- and provide for publicising such applications and for the form, content and service of such notices and certificates.
- (2) A development order or such regulations may require an applicant for planning permission to certify, in such form as may be prescribed by the order or the regulations, or to provide evidence, that any requirements of the order or the regulations have been satisfied.
- (3) A development order or such regulations making any provision by virtue of this section may make different provision for different cases or different classes of development.
- (4) A planning authority shall not entertain any application for planning permission unless any requirements imposed by virtue of this section have been satisfied.
- (5) If any person—
- (a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or

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- (b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular,
 he shall be guilty of an offence.
- (6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) In this section—
 “agricultural holding” has the same meaning as in the ^{M1}Agricultural Holdings (Scotland) Act 1991; and
 “owner” in relation to any land means any person who—
 (a) under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes any person entitled to possession of the land as lessee under a lease the unexpired period of which is not less than seven years; or
 (b) in the case of such applications as may be prescribed by a development order or by regulations, is entitled to an interest in any mineral so prescribed,
 and the reference to the interests in the land to which an application for planning permission relates includes any interest in any mineral in, on or under the land.
- (8) Proceedings for an offence under this section may be brought at any time within the period of two years following the commission of the offence.]

Textual Amendments

F10 S. 24 substituted (3.2.1995) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 46(1) (with s. 84(5)); S.I. 1994/3292, art. 3

Modifications etc. (not altering text)

- C4** S. 24 applied (1.1.1997) by 1995 c. 25, s. 96(1), Sch. 13 para. 7(6) (with ss. 7(6), 115, 117); S.I. 1996/2857, art. 2
 S. 24 applied (1.1.1997) by 1995 c. 25, s. 96(1), Sch. 14 para. 6(4) (with ss. 7(6), 115, 117); S.I. 1996/2857, art. 2
- C5** S. 24 extended (1.1.1997) by 1995 c. 25, s. 96(1), Sch. 13 para. 9(4) (with ss. 7(6), 115, 117); S.I. 1996/2857, art. 2
 S. 24 extended (with modifications) (1.1.1997) by 1995 c. 25, s. 96(1), Sch. 13 para. 9(5) (with ss. 7(6), 115, 117); S.I. 1996/2857, art. 2
- C6** S. 24(5) extended (1.1.1997) by 1995 c. 25, s. 96(1), Sch. 13 para. 7(6) (with ss. 7(6), 115, 117); S.I. 1996/2857, art. 2
 S. 24(5) extended (1.1.1997) by 1995 c. 25, s. 96(1), Sch. 13 para. 9(4) (with ss. 7(6), 115, 117); S.I. 1996/2857, art. 2
 S. 24(5) extended (1.1.1997) by 1995 c. 25, s. 96(1), Sch. 14 para. 6(4) (with ss. 7(6), 115, 117); S.I. 1996/2857, art. 2

Marginal Citations

M1 1991 c. 55.

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25 Publicity for applications affecting conservation areas.

- (1) This section applies where an application for planning permission for any development of land is made to a . . . ^{F11} planning authority and either—
- (a) the development would, in the opinion of the authority, affect the character or appearance of a conservation area; . . . ^{F12}
 - [^{F13}(aa) the development would, in the opinion of the authority, affect the selling of a listed building; or]
 - (b) . . . ^{F14}
- (2) The . . . ^{F11} planning authority shall—
- (a) publish in a local newspaper circulating in the locality in which the land is situated; and
 - (b) for not less than seven days display on or near the land, a notice indicating the nature of the development in question and naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of twenty-one days beginning with the date of publication of the notice under paragraph (a) of this subsection.
- (3) The application shall not be determined by the . . . ^{F11} planning authority before both the following periods have elapsed, namely—
- (a) the period of twenty-one days referred to in subsection (2) of this section; and
 - (b) the period of twenty-one days beginning with the date on which the notice required by that subsection to be displayed was first displayed.

^{F15}(4)

Textual Amendments

- F11** Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)
- F12** Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F13** [S. 25\(1\)\(aa\)](#) inserted by [Town and Country Amenities Act 1974 \(c. 32\), s. 4\(2\)](#)
- F14** [S. 25\(1\)\(b\)](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F15** [S. 25\(4\)](#) repealed (1.4.1996) by [1994 c. 39, s. 180\(2\), Sch. 14](#); [S.I. 1996/323, art. 4\(1\)\(b\)\(d\), Sch. 2](#)

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