



# Town and Country Planning (Scotland) Act 1972

## 1972 CHAPTER 52

### PART IV

#### ADDITIONAL CONTROL IN SPECIAL CASES

##### *Industrial development*

#### **70 Provision for cases where certificate withheld**

- (1) Where such an application as is mentioned in subsection (1) or (2) of section 65 of this Act is, by virtue of those subsections, of no effect by reason that the requirements of those subsections are not fulfilled, the local planning authority shall consider whether, if those requirements had been fulfilled, they would nevertheless have refused the permission sought by the application, either in respect of the whole or in respect of part of the land to which the application relates; and if they are of the opinion that they would so have refused that permission, they shall serve on the applicant a notice in writing to that effect.
- (2) Where a notice is served under subsection (1) of this section in respect of the whole or part of any land, it shall operate, for the purposes of sections 35 and 36 of this Act, as if the application for planning permission had been an effective application and the notice had been a planning decision of the local planning authority refusing that permission in respect of that land or that part thereof, as the case may be; and the provisions of those sections (if in those circumstances they would have been applicable) shall have effect accordingly.