



Planning and Compensation Act 1991

1991 CHAPTER 34

PART II

TOWN AND COUNTRY PLANNING - SCOTLAND

Control over development

47 Power of planning authority to decline to determine applications.

(1) After section 26 of the 1972 Act there is inserted—

“26A Power of planning authority to decline to determine applications.

(1) A planning authority may decline to determine an application for planning permission for the development of any land if—

- (a) within the period of two years ending with the date on which the application is received, the Secretary of State has refused a similar application referred to him under section 32 of this Act or has dismissed an appeal against the refusal of a similar application; and
- (b) in the opinion of the authority there has been no significant change since the refusal or, as the case may be, dismissal mentioned in paragraph (a) of this subsection in the development plan, so far as material to the application, or in any other material considerations.

(2) For the purposes of this section an application for planning permission for the development of any land shall only be taken to be similar to a later application if the development and the land to which the applications relate are in the opinion of the planning authority the same or substantially the same.

(3) The reference in subsection (1)(a) of this section to an appeal against the refusal of an application includes an appeal under section 34 in respect of an application.”.

(2) In section 34 (appeal in default of planning decision) of the 1972 Act—

Status: Point in time view as at 24/01/1992. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 47. (See end of Document for details)

- (a) the word “either” is omitted; and
- (b) after paragraph (a) there is inserted—
 - “(ab) give notice to the applicant that they have exercised their power under section 26A of this Act to decline to determine the application; or”.

Modifications etc. (not altering text)

C1 S. 47(1) restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt.II para. 1**

Commencement Information

II S. 47 wholly in force at 25.9.1991 see s. 84(2)(3) and SI 1991/2092, art. 3

Status:

Point in time view as at 24/01/1992. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 47.