

SCHEDULES

SCHEDULE 17

ENFORCEMENT AS RESPECTS WAR-TIME BREACHES BY THE CROWN OF PLANNING CONTROL

Appeals against compliance determinations or failure to make such determinations

- 6 (1) Where the applicant is aggrieved by a compliance determination, or where a person by whom representations have been made as mentioned in paragraph 4 is aggrieved by such a determination, he may appeal to the Secretary of State.
- (2) The applicant may also appeal if he is aggrieved by the failure of the authority to determine the application within 2 months from the last day on which representations under paragraph 4 may be made and has served notice on the authority that he appeals to the Secretary of State.
- (3) An appeal under this paragraph must be made within the period of 28 days after the applicant has notice of the determination or, in the case of an appeal under subparagraph (2), after the applicant has served notice on the authority of the appeal, or within such extended period as the Secretary of State may allow.
- 7 (1) On such an appeal the Secretary of State may give, in substitution for the determination, if any, given by the authority, such determination as appears to him to be proper having regard to all relevant circumstances, or, if he is satisfied that the applicant was not a person entitled to make the application, may decide that the application is not to be entertained.
- (2) At any stage of the proceedings on such an appeal to him the Secretary of State may, and shall if so directed by the Court of Session, state in the form of a special case for the opinion of the Court of Session any question of law arising in connection with the appeal.
- 8 Subject to paragraph 9 and to any determination or decision of the Secretary of State on an appeal under paragraph 7, any compliance determination shall be final and any such failure to give a determination as mentioned in paragraph 6(2) shall be taken on the service of the notice there mentioned as a final refusal by the authority to entertain the application, and any determination or decision of the Secretary of State on an appeal under paragraph 7 shall be final.