



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART VI

ENFORCEMENT

Certificate of lawful use or development

154 Appeals against refusal or failure to give decision on application

- (1) Where an application is made to a planning authority for a certificate under section 150 or 151 and—
 - (a) the application is refused or is refused in part, or
 - (b) the planning authority do not give notice to the applicant of their decision on the application within such period as may be prescribed by regulations or a development order or within such extended period as may at any time be agreed in writing by the applicant and the authority,the applicant may appeal to the Secretary of State.
- (2) An appeal under subsection (1) shall be by notice given within such period (not being less than 28 days) as may be prescribed by regulations or a development order.
- (3) On any such appeal, if and so far as the Secretary of State is satisfied—
 - (a) in the case of an appeal under subsection (1)(a), that the authority's refusal is not well-founded, or
 - (b) in the case of an appeal under subsection (1)(b), that, if the planning authority had refused the application, their refusal would not have been well-founded,he shall grant the appellant a certificate under section 150 or 151 accordingly or, in the case of a refusal in part, modify the certificate granted by the authority on the application.

Status: This is the original version (as it was originally enacted).

- (4) If and so far as the Secretary of State is satisfied that the authority's refusal is or, as the case may be, would have been well-founded, he shall dismiss the appeal.
- (5) Schedule 4 applies to appeals under this section.