



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

*Secretary of State's powers in relation to planning applications and decisions*

#### **47 Right to appeal against planning decisions and failure to take such decisions.**

- (1) Where a planning authority—
- (a) refuse an application for planning permission or grant it subject to conditions,
  - (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of planning permission or grant it subject to conditions, or
  - (c) refuse an application for any approval of that authority required under a development order or grant it subject to conditions,
- the applicant may appeal to the Secretary of State<sup>[F1]</sup> against the decision].

[<sup>F2</sup>(1A) But subsection (1) does not apply in relation to any such action on the part of a planning authority as is mentioned in section 237(3A).]

- (2) A person who has made such an application may also appeal to the Secretary of State if the planning authority have not given to the applicant—
- (a) notice of their decision on the application,
  - (b) notice that they have exercised their power under section 39 to decline to determine the application, or
  - (c) notice that the application has been referred to the Secretary of State in accordance with directions given under section 46,

*Status: Point in time view as at 03/08/2009. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Section 47 is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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 upon in writing between the applicant and the authority.

- (3) Any appeal under this section shall be made by notice served within such time and in such manner as may be prescribed by regulations or a development order.
- (4) The time prescribed for the service of such a notice must not be less than—
- (a) 28 days from the date of the notification of the decision, or
  - (b) in the case of an appeal under subsection (2), 28 days from the end of the period prescribed as mentioned in subsection (2) or, as the case may be, the extended period mentioned in that subsection.
- (5) For the purposes of the application of sections 48(1) and 218(1)(b) and paragraph 2(2)(c) of Schedule 16 in relation to an appeal under subsection (2), the authority shall be deemed to have decided to refuse the application in question.

#### Textual Amendments

- F1** Words in s. 47(1) added (12.12.2008 for specified purposes, 3.8.2009 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 19\(1\)\(a\)](#), 59(2) (with [S.S.I. 2009/222](#), [art. 9\(2\)\(a\)](#)); [S.S.I. 2008/411](#), [art. 2\(2\)\(3\)\(a\)](#), [S.S.I. 2009/219](#), [art. 2](#), sch.
- F2** S. 47(1A) inserted (12.12.2008 for specified purposes, 3.8.2009 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 19\(1\)\(b\)](#), 59(2) (with [S.S.I. 2009/222](#), [art. 9\(2\)\(a\)](#)); [S.S.I. 2008/411](#), [art. 2\(2\)\(3\)\(a\)](#), [S.S.I. 2009/219](#), [art. 2](#), sch.

#### Modifications etc. (not altering text)

- C1** S. 47 modified (1.8.1999) by [S.S.I. 1999/1](#), [reg. 45](#)
- C2** S. 47 applied (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(Transitional Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/269\)](#), [arts. 1\(1\)](#), [3\(7\)](#)

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