



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.
- (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,

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.

Status: This is the original version (as it was originally enacted).

- (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.