



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

[^{F1}47A Matters which may be raised in an appeal under section 47(1)]

- (1) In an appeal under section 47(1), a party to the proceedings is not to raise any matter which was not before the planning authority at the time the decision appealed against was made unless that party can demonstrate—
 - (a) that the matter could not have been raised before that time, or
 - (b) that its not being raised before that time was a consequence of exceptional circumstances.
- (2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—
 - (a) the provisions of the development plan, or
 - (b) any other material consideration.]

Textual Amendments

- F1** S. 47A 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\(2\), 59\(2\)](#) (with [S.S.I. 2009/222, art. 9\(1\)\(b\)](#)); [S.S.I. 2008/411, art. 2\(2\)\(3\)\(a\)](#); [S.S.I. 2009/219, art. 2, sch.](#)

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Point in time view as at 03/08/2009. This version of this provision has been superseded.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 47A is up to date with all changes known to be in force on or before 23 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.