



Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

1997 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER II

AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

Appeals

18 Right to appeal against decision or failure to take decision

- (1) Where a planning authority—
- (a) refuse an application for listed building consent or grant it subject to conditions,
 - (b) refuse an application for variation or discharge of conditions subject to which such consent has been granted or grant it and add new conditions, or
 - (c) refuse an application for approval required by a condition imposed on the granting of listed building consent with respect to details of works or grant it subject to conditions,

the applicant, if he is aggrieved by the decision, 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 neither—
- (a) given notice to the applicant of their decision on the application, nor
 - (b) in the case of such an application as is mentioned in subsection (1)(a) or (b), given notice to the applicant that the application has been referred to the Secretary of State in accordance with directions given under section 11,

Status: This is the original version (as it was originally enacted).

within the relevant period from the date of the receipt of the application or within such extended period as may at any time be agreed upon in writing between the applicant and the authority.

- (3) In this section “the relevant period” means—
- (a) in the case of such an application as is mentioned in subsection (1)(a) or (b), such period as may be prescribed, and
 - (b) in the case of such an application for approval as is mentioned in subsection (1)(c), the period of two months from the date of the receipt of the application.
- (4) For the purposes of the application of sections 20(1) and 58(7)(a) in relation to an appeal under subsection (2), the authority shall be treated as having refused the application in question.