



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Determination of applications

[^{F1}43A Local developments: schemes of delegation

- (1) A planning authority are—
 - (a) as soon as practicable after the coming into force of section 17 of the Planning etc. (Scotland) Act 2006 (asp 17), and thereafter—
 - (i) whenever required to do so by the Scottish Ministers, or
 - (ii) subject to sub-paragraph (i), at such intervals as may be provided for in regulations under this section,
to prepare a scheme (to be known as a “ scheme of delegation ”) by which any application for planning permission for a development within the category of local developments or any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within that category is to be determined by a person appointed by them for the purposes of this section instead of by them, and
 - (b) to keep under review the scheme so prepared.
- (2) Other than for the purposes of subsections (8) to (16) or section 47, the determination of any person so appointed is to be treated as that of the authority.
- (3) References in subsection (1) to a development do not include references to a development of a class mentioned in section 38A(1).
- (4) Without prejudice to subsection (1)(a)(ii), regulations under this section may make provision as to—

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Section 43A is up to date with all changes known to be in force on or before 27 June 2023. 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) View outstanding changes

- (a) the form and content of, and
 - (b) the procedures for preparing and adopting,
- a scheme of delegation.
- (5) Where an application for planning permission falls to be determined by a person so appointed, sections [F²27A(2), 27B(2), 30(3), 32A,] 37(1) to (3), 38, 39[F³, 40], 41(1) and (2)[F⁴, 42, 43(1) to (2), 46, 58, 59 and 60] and Part 1 of Schedule 3 apply, with any necessary modifications (including, in the case of that Part, the modification mentioned in subsection (18)), as they apply to an application which falls to be determined by the planning authority.
- (6) The planning authority may, if they think fit, decide themselves to determine an application which would otherwise fall to be determined by a person so appointed.
- (7) Any such decision must include a statement of the reasons for which it has been taken; and a copy of the decision is to be served on the applicant.
- (8) Where a person so appointed—
- (a) refuses an application for planning permission or for consent, agreement or approval,
 - (b) grants it subject to conditions, or
 - (c) has not determined it within such period as may be prescribed by regulations or a development order [F⁵ or within such extended period as may at any time be agreed upon in writing between the applicant and the person so appointed],
- the applicant may require the planning authority to review the case.
- [A requirement to review may not be made by virtue of paragraph (c) of subsection (8)
- ^{F6}(8A) if within the period (or extended period) mentioned in that paragraph notice has been given to the applicant that—
- (a) the power under section 39 to decline to determine the application has been exercised; or
 - (b) the application has been referred to the Scottish Ministers in accordance with directions given under section 46.]
- (9) Where a requirement to review is made by virtue of paragraph (c) of subsection (8), the person so appointed is, for the purposes of the review, to be deemed to have decided to refuse the application.
- (10) Regulations or a development order may make provision as to the form and procedures of any review conducted by virtue of subsection (8).
- (11) Without prejudice to the generality of subsection (10), the regulations or order may—
- (a) make different provision for different cases or classes of case,
 - (b) make different provision for different stages of a case,
 - (c) make provision in relation to oral or written submissions and to documents in support of such submissions,
 - (d) make provision in relation to time limits (including a time limit for requiring the review), and
 - (e) require the planning authority to give to the person who has required the review such notice as may be prescribed by the regulations or the order as to the manner in which that review has been dealt with.
- (12) Any notice given by virtue of paragraph (e) of subsection (11)—

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- (a) is to include a statement of—
 - (i) the terms in which the planning authority have decided the case reviewed, and
 - (ii) the reasons on which the authority based that decision, and
 - (b) may include such other information as may be prescribed by the regulations or the order.
- (13) The provision which may be made by virtue of subsections (10) and (11) includes provision as to—
- (a) the making of oral submissions, or as to any failure to make such submissions or to lodge documents in support of such submissions, or
 - (b) the lodging of, or as to any failure to lodge, written submissions or documents in support of such submissions,
- and, subject to section 43B, as to what matters may be raised in the course of the review.
- (14) The provision which may be made by virtue of subsections (10) and (11) includes provision that the manner in which the review, or any stage of the review, is to be conducted (as for example whether oral submissions are to be made or written submissions lodged) is to be at the discretion of the planning authority.
- (15) The planning authority may uphold, reverse or vary a determination reviewed by them by virtue of subsection (8).
- (16) Subject to subsection (17) and except as provided under section 239, the decision of a planning authority in a case reviewed under this section is final.
- (17) Where a requirement to review is made by virtue of paragraph (c) of subsection (8) and the planning authority have not conducted the review within such period as may be prescribed by regulations or a development order, the authority are to be deemed to have decided to refuse the application and section 47(1) is to apply accordingly.
- (18) The modification is that, in paragraph 1(6) of Schedule 3, for paragraph (b) there is substituted—
- “(b) is to be regarded for the purposes of section 43A as a condition imposed by a decision of the appointed person, and may accordingly be the subject of a review under subsection (8) of that section.”.]

Textual Amendments

- F1** Ss. 43A, 43B inserted (12.12.2008 for specified purposes, 6.4.2009 for specified purposes, 3.8.2009 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 17, 59(2)** (with [S.S.I. 2009/222](#), art. 7(1)(b)(2)); [S.S.I. 2008/411](#), art. 2(2)(3)(a), [S.S.I. 2009/100](#), art. 2, sch., [S.S.I. 2009/219](#), art. 2, sch.
- F2** Words in s. 43A(5) inserted (2.2.2013) by [The Planning etc. \(Scotland\) Act 2006 \(Supplementary and Consequential Provisions\) Order 2013 \(S.S.I. 2013/26\)](#), arts. 1, **2(3)(a)(i)**
- F3** Words in s. 43A(5) inserted (2.2.2013) by [The Planning etc. \(Scotland\) Act 2006 \(Supplementary and Consequential Provisions\) Order 2013 \(S.S.I. 2013/26\)](#), arts. 1, **2(3)(a)(ii)**
- F4** Words in s. 43A(5) substituted (2.2.2013) by [The Planning etc. \(Scotland\) Act 2006 \(Supplementary and Consequential Provisions\) Order 2013 \(S.S.I. 2013/26\)](#), arts. 1, **2(3)(a)(iii)**
- F5** Words in s. 43A(8)(c) inserted (2.2.2013) by [The Public Services Reform \(Planning\) \(Local Review Procedure\) \(Scotland\) Order 2013 \(S.S.I. 2013/24\)](#), arts. 1, **2(2)**

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Section 43A is up to date with all changes known to be in force on or before 27 June 2023. 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) View outstanding changes

F6 S. 43A(8A) inserted (2.2.2013) by The Planning etc. (Scotland) Act 2006 (Supplementary and Consequential Provisions) Order 2013 (S.S.I. 2013/26), arts. 1, **2(3)(b)**

Changes to legislation:

Town and Country Planning (Scotland) Act 1997, Section 43A is up to date with all changes known to be in force on or before 27 June 2023. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 1A inserted by [2019 asp 13 s. 50\(2\)](#)
- s. 3CC inserted by [2019 asp 13 s. 12\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA inserted by [2019 asp 13 s. 12\(3\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)
- Sch. 5A inserted by [2019 asp 13 s. 15\(3\)](#)



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 [^{F1}against the decision].

[^{F2}(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,

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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\(7\)](#)
- C3** Ss. 47-48 applied (with modifications) by [S.I. 1984/467](#), [reg. 21\(1\)\(1A\)](#) (as substituted (30.6.2013) by [The Town and Country Planning \(Control of Advertisements\) \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/154\)](#), [regs. 1\(1\)](#), [2\(4\)\(a\)](#) (with [reg. 3](#)))

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Changes and effects yet to be applied to :

- s. 47(2) words substituted by 2019 asp 13 s. 31(2)(a)
- s. 47(4)(b) words substituted by 2019 asp 13 s. 31(2)(b)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by S.S.I. 2008/189 art. 53(3)
- Act power to apply (with or without modifications) conferred by 2021 asp 9 s. 45(3)(b)(c)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 11A inserted by 2006 asp 17 s. 29
- Pt. 12A inserted by 2006 asp 17 s. 30
- Pt. 12A inserted by 2019 asp 13 s. 46(2)
- s. 1A inserted by 2019 asp 13 s. 50(2)
- s. 3CC inserted by 2019 asp 13 s. 12(2)
- s. 3CD inserted by 2019 asp 13 s. 4(2)
- s. 20AA inserted by 2019 asp 13 s. 12(3)
- s. 20AA(4)(a)(iii) inserted by 2019 asp 13 s. 14(6)
- s. 29(1)(ca) inserted by 2019 asp 13 Sch. 2 para. 5(3)(b)
- s. 36(1)(ca) inserted by 2019 asp 13 Sch. 2 para. 5(4)(b)
- s. 36(5)(6) inserted by 2019 asp 13 s. 36(2)
- s. 40A inserted by 2019 asp 13 s. 19(2)
- s. 43A-43AD substituted for s. 43A by 2019 asp 13 s. 28(2)
- s. 47(2)(aa) inserted by 2019 asp 13 s. 28(3)(a)
- s. 47(2A) inserted by 2019 asp 13 s. 28(3)(b)
- s. 47(6) inserted by 2019 asp 13 s. 31(2)(c)
- s. 54A-54F and cross-heading inserted by 2019 asp 13 s. 15(2)
- s. 57(2C)(2D) inserted by 2021 asp 9 s. 44(2)
- s. 58(4)(fa) inserted by 2019 asp 13 Sch. 2 para. 5(5)(b)
- s. 61(1)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(6)(b)
- s. 75(4A) inserted by 2019 asp 13 s. 35(2)
- s. 75A(5A) inserted by 2019 asp 13 s. 35(3)
- s. 77A inserted by 2019 asp 13 s. 39(2)
- s. 135(4A) inserted by 2019 asp 13 s. 43(2)(c)
- s. 154(1)(c) and word inserted by 2019 asp 13 s. 28(4)(a)(ii)
- s. 154(1A) inserted by 2019 asp 13 s. 28(4)(b)
- s. 158A(1A) inserted by 2019 asp 13 s. 44(2)
- s. 158B-158F and cross-heading inserted by 2019 asp 13 s. 43(3)
- s. 183(1)(c) inserted by 2019 asp 13 Sch. 2 para. 5(7)(b)
- s. 237(1)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(8)
- s. 238(3)(a)-(c) inserted by 2019 asp 13 Sch. 2 para. 5(9)(a)(ii)
- s. 238(5)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(9)(b)
- s. 238(7) inserted by 2019 asp 13 Sch. 2 para. 5(9)(c)
- Sch. 5A inserted by 2019 asp 13 s. 15(3)



Town and Country Planning (Scotland) Act 1997

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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.

Modifications etc. (not altering text)

- C1** Ss. 47-48 applied (with modifications) by S.I. 1984/467, reg. 21(1)(1A) (as substituted (30.6.2013) by [The Town and Country Planning \(Control of Advertisements\) \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/154\)](#), regs. 1(1), **2(4)(a)** (with reg. 3))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

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- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

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- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 1A inserted by [2019 asp 13 s. 50\(2\)](#)
- s. 3CC inserted by [2019 asp 13 s. 12\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA inserted by [2019 asp 13 s. 12\(3\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)
- Sch. 5A inserted by [2019 asp 13 s. 15\(3\)](#)



Town and Country Planning (Scotland) Act 1997

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PART III

CONTROL OVER DEVELOPMENT

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

48 Determination of appeals.

- (1) On an appeal under section 47 the Secretary of State may—
- (a) allow or dismiss the appeal, or
 - (b) reverse or vary any part of the decision of the planning authority (whether the appeal relates to that part of it or not),
- and may deal with the application as if it had been made to him in the first instance.

^{F1}(2)

- (3) If the Secretary of State proposes to reverse or vary any part of the decision of the planning authority to which the appeal does not relate, he shall give notice of his intention to the planning authority and to the appellant and shall give each of them an opportunity of making representations about his proposals.

^{F2}(4)

- (5) ^{F3}... in relation to an appeal to the Secretary of State under section 47—
- (a) sections 33, 37(1) to (3), 38(1) to (3), 41(1) and (2) and 42 and Part I of Schedule 3 shall apply, with any necessary modifications, as they apply in relation to an application for planning permission which falls to be determined by the planning authority, and

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Section 48 is up to date with all changes known to be in force on or before 20 July 2023. 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) View outstanding changes

- (b) regulations or a development order may apply, with or without modifications, to such an appeal any requirements imposed by the regulations or order by virtue of section 34 or 35.
- (6) The decision of the Secretary of State on such an appeal shall be final.
- (7) If, before or during the determination of such an appeal in respect of an application for planning permission to develop land, the Secretary of State forms the opinion that, having regard to the provisions of sections 37 and 41(1) and (2), any regulations made under this Act in that regard and of any development order and any directions given under such regulations or order, planning permission for that development—
 - (a) could not have been granted by the planning authority, or
 - (b) could not have been granted otherwise than subject to the conditions imposed, he may decline to determine the appeal or to proceed with the determination.
- (8) If at any time before or during the determination of an appeal under section 47 it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, he may—
 - (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal, and
 - (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.
- (9) Schedule 4 applies to appeals under section 47, including appeals under that section as applied by or under any other provision of this Act.

Textual Amendments

- F1** S. 48(2) repealed (3.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), s. 59(2), **sch.** (with S.S.I. 2009/222, **art. 9(2)(b)**); S.S.I. 2009/219, art. 2, sch.
- F2** S. 48(4) repealed (3.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), s. 59(2), **sch.** (with S.S.I. 2009/222, **art. 9(2)(b)**); S.S.I. 2009/219, art. 2, sch.
- F3** Words in s. 48(5) repealed (3.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), s. 59(2), **sch.** (with S.S.I. 2009/222, **art. 9(2)(b)**); S.S.I. 2009/219, art. 2, sch.

Modifications etc. (not altering text)

- C1** Ss. 47-48 applied (with modifications) by S.I. 1984/467, reg. 21(1)(1A) (as substituted (30.6.2013) by [The Town and Country Planning \(Control of Advertisements\) \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/154\)](#), regs. 1(1), **2(4)(a)** (with reg. 3))

Changes to legislation:

Town and Country Planning (Scotland) Act 1997, Section 48 is up to date with all changes known to be in force on or before 20 July 2023. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 1A inserted by [2019 asp 13 s. 50\(2\)](#)
- s. 3CC inserted by [2019 asp 13 s. 12\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA inserted by [2019 asp 13 s. 12\(3\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)
- Sch. 5A inserted by [2019 asp 13 s. 15\(3\)](#)