



# Town and Country Planning (Scotland) Act 1972

## 1972 CHAPTER 52

### PART IV

#### ADDITIONAL CONTROL IN SPECIAL CASES

##### *Office development*

#### **80 Provisions as to conditions imposed or implied in pursuance of these provisions**

- (1) This section applies to any condition subject to which planning permission is granted in accordance with these provisions or subject to which planning permission is by virtue of these provisions deemed to have been granted, whether or not is it a condition which could have been imposed apart from these provisions.
- (2) If the planning permission is or was granted by the local planning authority, the Secretary of State shall not be required to entertain an appeal under section 33 of this Act from the decision of the local planning authority, in so far as that decision relates or related to any condition to which this section applies.
- (3) Where planning permission is granted subject to a condition to which this section applies, and it appears to the authority granting the permission that the condition could have been imposed apart from these provisions and would have been imposed if these provisions had not been enacted, the decision granting the permission may include a certificate to that effect; and, where such a certificate is included in a decision of the local planning authority—
  - (a) the Secretary of State shall not be required to entertain an appeal from the decision in so far as it includes the certificate; but
  - (b) subject to the preceding paragraph, section 33 of this Act shall have effect in relation to the certificate as it has effect in relation to any other part of the decision.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (4) If any condition imposed by an authority granting planning permission is inconsistent with any condition to which this section applies, the last-mentioned condition shall prevail in so far as it is inconsistent with the condition so imposed.
- (5) Where on an application made as mentioned in section 29(1) of this Act (as modified by section 72(2) of this Act) planning permission is granted (either unconditionally or subject to conditions) for a building to be retained, or a use of a building to be continued, without complying with a condition to which this section applies (that condition being one subject to which a previous planning permission was granted or is deemed to have been granted), nothing in sections 75 to 79 of this Act or in the preceding provisions of this section shall be construed as preventing the subsequent planning permission from operating so as to extinguish or modify that condition, as the case may be.