
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 434

**The Town and Country Planning
(Appeals) (Scotland) Regulations 2008**

PART 2

Appeals under section 47 of the Act

Notice of Appeal

3.—(1) An appeal to the Scottish Ministers under section 47 of the Act is to be made by giving notice in writing in accordance with this regulation.

(2) Subject to regulation 24, the notice of appeal must be served on the Scottish Ministers within the period of three months beginning with, in the case of an appeal made under—

- (a) section 47(1) of the Act, the date of the decision notice; and
- (b) section 47(2) of the Act, the date of expiry of the period allowed for determination of the application.

(3) The notice of appeal (on a form obtained from the Scottish Ministers) must include—

- (a) the name and address of the appellant;
- (b) the date and the reference number assigned by the planning authority to the application in respect of which the appeal is made;
- (c) the name and address of the representative of the appellant (if any) and whether any notice or other correspondence which is required by these Regulations to be sent to the appellant should be sent to the representative instead of the appellant;
- (d) a statement setting out full particulars of the appeal including a note of what matters the appellant considers require to be taken into account in determining the appeal and by what procedure (or combination of procedures) mentioned in regulation 8(4) the appellant wishes the appeal to be conducted.

(4) Subject to paragraph (5)—

- (a) all matters which the appellant intends to raise in the appeal must be set out in the notice of appeal or in the documents which accompany the notice of appeal; and
- (b) all documents, materials and evidence which the appellant intends to rely on in the appeal must accompany the notice of appeal.

(5) In addition to matters set out in the notice of appeal and documents which accompany the notice of appeal, the appellant may raise matters and submit further documents, materials or evidence only in accordance with and to the extent permitted by regulations 4, 5 and 10, the Hearing Session Rules and the Inquiry Session Rules.