



Town and Country Planning (Scotland) Act 1972

1972 CHAPTER 52

PART III

GENERAL PLANNING CONTROL

Applications for planning permission

22 Form and content of applications

Any application to a local planning authority for planning permission shall be made in such manner as may be prescribed by regulations under this Act, and shall include such particulars, and be verified by such evidence, as may be required by the regulations or by directions given by the local planning authority thereunder.

23 Publication of notices of applications

- (1) Provision may be made by a development order for designating the classes of development to which this section applies, and this section shall apply accordingly to any class of development which is for the time being so designated.
- (2) An application for planning permission for development of any class to which this section applies shall not be entertained by the local planning authority unless it is accompanied—
 - (a) by a copy of a notice of the application, in such form as may be prescribed by a development order, and by such evidence as may be so prescribed that the notice has been published in a local newspaper circulating in the locality in which the land to which the application relates is situated ; and
 - (b) by one or other of the following certificates, signed by or on behalf of the applicant, that is to say—
 - (i) a certificate stating that he has complied with subsection (3) of this section and when he did so ; or

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- (ii) a certificate stating that he has been unable to comply with it because he has not such rights of access or other rights in respect of the land as would enable him to do so, but that he has taken such reasonable steps as are open to him (specifying them) to acquire those rights and has been unable to acquire them.
- (3) In order to comply with this subsection a person must—
 - (a) post on the land a notice, in such form as may be prescribed by a development order, stating that the application for planning permission is to be made; and
 - (b) leave the notice in position for not less than seven days in a period of not more than one month immediately preceding the making of the application to the local planning authority.
 - (4) The said notice must be posted by affixing it firmly to some object on the land, and must be sited and displayed in such a way as to be easily visible and legible by members of the public without going on the land.
 - (5) The applicant shall not be treated as unable to comply with subsection (3) of this section if the notice is, without any fault or intention of his, removed, obscured or defaced before the seven days referred to in subsection (3)(b) of this section have elapsed, so long as he has taken reasonable steps for its protection and, if need be, replacement; and, if he has cause to rely on this subsection, his certificate under subsection (2)(b) of this section shall state the relevant circumstances.
 - (6) The notice mentioned in subsection (2)(a) or required by subsection (3) of this section shall (in addition to any other matters required to be contained therein) name a place within the locality where a copy of the application for planning permission, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during such period as may be specified in the notice, not being a period of less than twenty-one days beginning with the date on which the notice is published or first posted, as the case may be.
 - (7) An application for planning permission for development of any class to which this section applies shall not be determined by the local planning authority before the end of the period of twenty-one days beginning with the date of the application.
 - (8) If any person issues a certificate which purports to comply with the requirements of subsection (2)(b) of this section and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
 - (9) Any certificate issued for the purpose of this section shall be in such form as may be prescribed by a development order.

24 Notification of applications to owners and agricultural tenants

- (1) Without prejudice to section 23 of this Act, a local planning authority shall not entertain any application for planning permission unless it is accompanied by one or other of the following certificates signed by or on behalf of the applicant, that is to say—

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- (a) a certificate stating that, in respect of every part of the land to which the application relates, the applicant is the proprietor of the dominium utile or is the lessee under a lease thereof;
 - (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice;
 - (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding paragraphs, that he has given the requisite notice of the application to such one or more of the persons mentioned in the last preceding paragraph as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to them respectively, and the date of the service of each such notice), that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so;
 - (d) a certificate stating that the applicant is unable to issue a certificate in accordance with paragraph (a) of this subsection, that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in paragraph (b) of this subsection and that he has been unable to do so.
- (2) Any such certificate as is mentioned in paragraph (c) or paragraph (d) of subsection (1) of this section shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in paragraph (b) of that subsection) been published in a local newspaper circulating in the locality in which the land in question is situated.
- (3) In addition to any other matters required to be contained in a certificate issued for the purposes of this section, every such certificate shall contain one or other of the following statements, that is to say—
- (a) a statement that none of the land to which the application relates constitutes or forms part of an agricultural holding;
 - (b) a statement that the applicant has given the requisite notice of the application to every person (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, and setting out the name of each such person, the address at which notice of the application was given to him, and the date of service of that notice.
- (4) Where an application for planning permission is accompanied by such a certificate as is mentioned in subsection (1)(b), (c) or (d) of this section, or by a certificate containing a statement in accordance with subsection (3)(b) of this section, the local planning authority shall not determine the application before the end of the period of twenty-one days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later.

- (5) If any person issues any certificate which purports to comply with the requirements of this section and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (6) Any certificate issued for the purposes of this section shall be in such form as may be prescribed by a development order; and any reference in any provision of this section to the requisite notice, where a form of notice is prescribed by a development order for the purposes of that provision, is a reference to a notice in that form.
- (7) In this section " owner " in relation to any land means any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and any person entitled to possession of the land as lessee under a lease the unexpired period of which is not less than ten years, and " agricultural holding " has the same meaning as in the Agricultural Holdings (Scotland) Act 1949.

25 Publicity for applications affecting conservation areas

- (1) This section applies where an application for planning permission for any development of land is made to a local planning authority and either—
 - (a) the development would, in the opinion of the authority, affect the character or appearance of a conservation area; or
 - (b) the development is of a kind specified by the Secretary of State for the purposes of this section and in respect of land in or adjacent to a conservation area.
- (2) The local planning authority shall—
 - (a) publish in a local newspaper circulating in the locality in which the land is situated; and
 - (b) for not less than seven days display on or near the land, a notice indicating the nature of the development in question and naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it. will be open to inspection by the public at all reasonable hours during the period of twenty-one days beginning with the date of publication of the notice under paragraph (a) of this subsection.
- (3) The application shall not be determined by the local planning authority before both the following periods have elapsed, namely—
 - (a) the period of twenty-one days referred to in subsection (2) of this section ; and
 - (b) the period of twenty-one days beginning with the date on which the notice required by that subsection to be displayed was first displayed.