



Housing (Scotland) Act 2006

2006 asp 1

PART 5

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Application for HMO licence

[^{F1}129A Preliminary refusal: breach of planning control

- (1) The local authority may, within 21 days of an application for an HMO licence, refuse to consider the application if it considers that occupation of the living accommodation concerned as an HMO would constitute a breach of planning control for the purposes of the Town and Country Planning (Scotland) Act 1997 (c. 8) (“the 1997 Act”) by virtue of section 123(a) or (b) of that Act.
- (2) The local authority must, within 7 days of deciding to refuse to consider an HMO application, serve notice of its decision on—
 - (a) the applicant,
 - (b) the enforcing authority, and
 - (c) the chief constable.
- (3) The notice must—
 - (a) give the local authority's reason for refusing to consider the HMO application, and
 - (b) inform the applicant of the effect of subsection (4).
- (4) No fee may be charged in respect of a further application for an HMO licence in relation to the living accommodation concerned made within 28 days of the applicant subsequently obtaining—
 - (a) planning permission under Part 3 of the 1997 Act, or
 - (b) a certificate of lawfulness of use or development under section 150 or 151 of the 1997 Act,in respect of the occupation of the living accommodation as an HMO.
- (5) This section applies regardless of whether the local authority is the planning authority for the area in which the living accommodation concerned is situated.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 129A. (See end of Document for details)

(6) For the purposes of this Part, a refusal to consider an application under subsection (1) is not to be treated as a refusal to grant an HMO licence under section 129(2)(b).]

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Textual Amendments

F1 S. 129A inserted (31.1.2012) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), **ss. 13(2)**, 41(3); S.S.I. 2012/2, art. 2, Sch. (with art. 3)

Changes to legislation:

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