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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 156**

**The Town and Country Planning  
(Appeals) (Scotland) Regulations 2013**

**PART 4**

**Appeals under sections 130(2), 169(1) and 180(2) of  
the Act and section 35(2) of the Listed Buildings Act**

**Statement of appeal**

**14.**—(1) The appellant must at the same time as giving notice of appeal to the Scottish Ministers under section 130(2), 169(2) or 180(2) of the Act or section 35(2) of the Listed Buildings Act, as the case may be, submit a statement (“statement of appeal”) on a form obtained from the Scottish Ministers.

(2) The statement of appeal, in addition to specifying the grounds of appeal as required by section 130(3)(a) (and as applied by section 180(3)) or 169(3) of the Act or section 35(4)(a) of the Listed Buildings Act, as the case may be, is to give the information specified in paragraph (3).

(3) The information is—

- (a) all matters which the appellant intends to raise in the appeal;
- (b) the name and address of the appellant;
- (c) a copy of the notice against which the appeal is made;
- (d) 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; and
- (e) a note of the matters which the appellant considers require determination and by what, if any, procedure (or combination of procedures) mentioned in regulation 9(4) the appellant considers the appeal should be determined.

(4) The statement of appeal is to be accompanied by copies of all documents, materials and evidence which the appellant intends to rely on in the appeal.

(5) In addition to matters set out in the statement of appeal and the documents accompanying the statement of appeal, the appellant may raise matters only in accordance with and to the extent permitted by regulations 11 and 15, the Hearing Session Rules and the Inquiry Session Rules.

(6) The following provisions apply in relation to appeals under sections 130, 169 and 180 of the Act and an appeal under section 35 of the Listed Buildings Act—

- (a) this Part and Parts 1, 3, 9 (other than regulation 29) and 10; and
- (b) the Hearing Session Rules and the Inquiry Session Rules.

(7) These Regulations apply to an appeal under section 130 as applied by regulation 25 of the 1984 Regulations as they apply to an appeal under section 130 of the Act as if references to an

enforcement notice were references to an enforcement notice served under regulation 24 of the 1984 Regulations.

### **Intimation of appeal to planning authority and planning authority's response**

**15.**—(1) The appellant must at the same time as giving the notice of appeal to the Scottish Ministers send to the planning authority a copy of—

- (a) the notice of appeal;
- (b) the statement of appeal; and
- (c) all documents, materials and evidence which the appellant intends to rely on in the appeal and which accompanied the statement of appeal in accordance with regulation 14(4).

(2) The planning authority must, not later than 21 days beginning with the date of receipt of notification of an appeal under paragraph (1), send to the Scottish Ministers and the appellant—

- (a) a statement (“the planning authority’s response”) incorporating a response to each ground of appeal and stating the matters which the planning authority consider require determination and by what, if any, procedure (or combination of procedures) mentioned in regulation 9(4) the planning authority wish the appeal to be conducted; and
- (b) copies of documents which were before the planning authority and which were taken into account in reaching its decision to issue the notice which is the subject of the appeal.

(3) The appellant may, within 14 days beginning with the date of receipt of the planning authority’s response, send to the Scottish Ministers and the planning authority comments on any matters raised in the planning authority’s response.

(4) The planning authority must until such time as the appeal is determined make copies of—

- (a) the notice of appeal;
- (b) the statement of appeal;
- (c) the planning authority’s response and any comments made under paragraph (3); and
- (d) documents which accompanied the statement of appeal or which were sent with the planning authority’s response,

available for inspection at an office of the planning authority and to afford any interested party who so requests an opportunity to inspect and, where practicable, to take copies of any such documents (or any part thereof).

### **Notification to other parties**

**16.**—(1) The planning authority must not later than 14 days following notification of the appeal under regulation 14 give notice of the appeal to each person (other than the appellant) on whom the enforcement notice, listed building enforcement notice or the notice under section 168 or 179 of the Act, as the case may be, was served.

(2) Notice under paragraph (1) is to—

- (a) state the name of the appellant and the address of the land to which the appeal relates;
- (b) describe the steps required by the notice to which the appeal relates;
- (c) state that representations may be made to the Scottish Ministers and provide information as to how and by when such representations may be made;
- (d) state where a copy of the notice of appeal, the statement of appeal and the planning authority’s response may be inspected.

(3) The period allowed for making representations is to be no less than 14 days from the date on which notice is given under paragraph (1).