



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

##### *Determination of applications*

#### **37 Determination of applications: general considerations.**

- (1) Where an application is made to a planning authority for planning permission—
  - (a) subject to sections [F127B(2) and 59(1)(b)], they may grant planning permission, either unconditionally or subject to such conditions as they think fit, or
  - (b) they may refuse planning permission.
- (2) In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- (3) Subsection (1) has effect subject to sections 34 and 35 and to the following provisions of this Act, and to sections 59(1), 60 and 65 of the <sup>M1</sup>Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- (4) The date of the grant or refusal of—
  - (a) planning permission,
  - (b) an approval required by a development order, or
  - (c) any consent, agreement or approval required by a condition imposed on the grant of planning permission,

shall be the date on which the [F2notice of the] planning authority's decision bears to have been signed on behalf of the authority.

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*Status: Point in time view as at 03/08/2009. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Section 37 is up to date with all changes known to be in force on or before 01 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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#### **Textual Amendments**

- F1** Words in s. 37(1)(a) substituted (3.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 54(5)(a)**, [59\(2\)](#); [S.S.I. 2009/219](#), [art. 2](#), [sch.](#)
- F2** Words in s. 37(4) inserted (3.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 54(5)(b)**, [59\(2\)](#); [S.S.I. 2009/219](#), [art. 2](#), [sch.](#)
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#### **Marginal Citations**

- M1** [1997 c. 9](#).

**Status:**

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