

South Ayrshire Council Planning Service

Guidance Note on Planning Decisions

PLEASE READ THE NOTES CAREFULLY TO ENSURE COMPLIANCE
WITH THE REGULATIONS



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Approval of Permission

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing the decision on this application.

If the application has been approved with or without conditions, there are requirements in terms of notifications to the Planning Authority and to display notices on site for certain types of application. You will also find details on how to vary or renew your permission.

Copies of each form/notice are available on the [Council's website](#) to download.

If your application is approved, you are required to notify the Planning Authority as follows:

Notification of Initiation of Development

A form requires to be submitted to South Ayrshire Council Planning Service before commencement of development. The applicant or agent are required to complete the form entitled '[Notification of Initiation of Development](#)' after deciding on a date on which to start development. The requirement to submit the notification is in compliance with the terms of The Town and Country Planning (Scotland) Act 1997 (as amended). This notification must include the following information:

- ✓ Reference number
- ✓ Site address
- ✓ Date of initiation of development

For the avoidance of doubt, failure to submit the required notice would constitute a breach of Planning control under Section 123(1) of The Town and Country Planning (Scotland) Act 1997, as amended by Section 27A The Planning etc. (Scotland) Act 2006.

Notification of Completion of Development

A form requires to be submitted to South Ayrshire Council Planning Service following the completion of a development. The applicant or agent are required to complete the form entitled '[Notification of Completion of Development](#)'. If the development is carried out in phases, then any such permission granted is to be notified to the Planning Authority as each phase is completed. This notification must include the following information:

- ✓ Reference number
- ✓ Site address
- ✓ Date of initiation of development

Display of Notice while development is carried out

The applicant is required to erect a '[Development in Progress](#)' site notice for all national and major developments. In addition, a site notice is also required for local developments which are classified as a [Schedule 3](#) developments (previously referred to as 'Bad Neighbour' developments). This site notice must be displayed for the duration of development and contain prescribed information and be:

- ✓ Displayed in a prominent place at, or in the vicinity of the site of development
- ✓ Readily visible to the public
- ✓ Printed on durable material

Rights of Appeal and Local Review

The right of appeal to Scottish Ministers or the right to have the application reviewed by the Local Review Body, in the event that the Council does not determine the application within the statutory time period, will depend on the category of development (National, Major or Local) and, for local developments only, whether or not the application is processed under the Council's Scheme of Delegation.

The statutory time period for determination and the category of the development, which applies to applications, are set out in your confirmation of validation letter which is issued when an application is registered to an Officer to commence assessment.

The table overleaf explains whether this category of application is subject to a right of appeal to Scottish Ministers or a right to have the application reviewed by the Local Review Body.

The Council's [Scheme of Delegation for Planning Applications](#) sets out the circumstances in which applications for local development will either be determined by Officers or by the Council's Regulatory Panel.

It is recommended that, prior to lodging an appeal, or seeking a review, on the ground of non-determination of an application, you discuss the matter with the appropriate Planning Case Officer.

CATEGORY OF DEVELOPMENT	RIGHT OF APPEAL OR REVIEW REGARDING NON-DETERMINATION
<p>National Development</p> <p>Major Development</p>	<p>If by the end of 4 months from the date of validation of the application the Council has not reached a decision, then you may appeal to the Scottish Ministers on the ground of its non-determination.</p> <p>An appeal on this ground must be made within 3 months of the expiry of the 4-month period (as referred to in the registration letter for your application) on a form which can be submitted via the ePlanning Scotland website. This is the most efficient method to submit an appeal.</p> <p>Alternatively, you can submit an appeal via paper form addressed to:</p> <p>The Planning and Environmental Appeals Division Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk FK1 1XR</p> <p>T: 0300 244 6668 E: DPEA@gov.scot</p> <p>Please note that a copy of the notice of appeal <u>must</u> at the same time be sent to South Ayrshire Council, Planning Service, County Buildings, Wellington Square, Ayr, KA7 1DR.</p> <p>An extension of the time period for dealing with the application can be agreed with the Planning Service.</p>

CATEGORY OF DEVELOPMENT	RIGHT OF APPEAL OR REVIEW REGARDING NON-DETERMINATION
<p>Local Development*</p> <p>*Only applicable to applications which are determined under Delegated Powers set out within the Scheme of Delegation</p>	<p>If by the end of 2 months from the date of validation the Council has not reached a decision, then you may ask for the application to be reviewed by the Council's Local Review Body.</p> <p>The application for a Local Review should be made in accordance with Section 43A of The Town and Country Planning (Scotland) Act 1997 (as amended) by notice sent within 3 months of the expiry of the 2-month period as referred to in the registration letter for your application.</p> <p>You can submit your Review online via the ePlanning Scotland website and submitted to the Planning Service directly. Alternatively, Local Review Body Form and Local Review Body Guidance Notes can be downloaded in paper format and submitted to the address below.</p> <p>South Ayrshire Council Planning Service County Buildings Wellington Square Ayr KA7 1DR Tel: (01292) 616 107 e-mail: planning.development@south-ayrshire.gov.uk</p> <p>You can get more information on appeals, Local Reviews, and the procedures from the Scottish Government website.</p> <p>An extension of the time period for dealing with the application can be agreed with the Planning Service.</p>
<p>Local Development**</p> <p>**Only applicable to applications which are not determined under Delegated Powers (e.g. determined by the Council's Regulatory Panel) as set out within the Scheme of Delegation</p>	<p>If by the end of 2 months from the date of validation the Council has not reached a decision, then you may appeal to the Scottish Ministers on the grounds of non-determination.</p> <p>An appeal on this ground must be made within 3 months of the expiry of the 2-month period (as referred to in the registration letter for your application) on a form which is obtainable from the DPEA/ePlanning Scotland (see details above).</p> <p>An extension of the time period for dealing with the application can be agreed with the Planning Service.</p>

CATEGORY OF DEVELOPMENT	RIGHT OF APPEAL OR REVIEW REGARDING NON-DETERMINATION
<p>Other Development</p> <p>Other developments are typically determined under Delegated Powers as set out within the Scheme of Delegation (unless criterion 3.6 or 3.9 apply)</p>	<p>If by the end of 2 months from the date of validation the Council has not reached a decision, then you may appeal to the Scottish Ministers on the grounds of non-determination.</p> <p>An appeal on this ground must be made within 3 months of the expiry of the 2-month period (as referred to in the registration letter for your application) on a form which is obtainable from the DPEA/ePlanning Scotland (see details above).</p> <p>An extension of the time period for dealing with the application can be agreed with the Planning Service.</p>

Other Information

Renewal of Consent or Change to Conditions – Further Applications

Where an application is made before the duration of a Planning permission expires for the same development or to change conditions associated with the Planning permission, only certain requirements on the content of applications apply:

- i. Applications must be in writing and shall give sufficient information to identify the previous grant of planning permission;
- ii. The appropriate fee must be paid;
- iii. A land ownership certificate must be submitted;
- iv. If the application is a national or major development, a pre-application consultation report is required;
- v. Where the application relates to the relaxation of conditions under Section 42 of The Town and Country Planning (Scotland) Act 1997 (as amended), a statement to that effect.

The proposal will be assessed against the development plan and if the policy position has changed, the application may be refused, or new conditions applied. If the application is approved, a new permission is issued.

Listed Building Consent and Advertisement Consent cannot be renewed, and new applications must be made for these if the time limit has expired.

Variation of Planning Permission

Applications may be varied provided there is not a substantial change in the description of the development. In these cases, a new application for Planning permission will be required. Further information is available in our [Guidance Note for Non-Material Variations](#).

Listed Building Consent and Advertisement Consent cannot be varied, and new applications may be required.

Conditions Monitoring

Any conditions attached to your permission require to be met. Some of these may require to be discharged before the development commences. Failure to do so may affect the legality of your development.

Please submit details of the conditions you intend to discharge to the Planning Authority for a determination.