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## How to appeal a listing decision

### **What is an appeal?**

The Scottish Government's publication '[A guide to planning appeals in Scotland](#)' provides guidance on appealing planning related decisions or notices.

### **Who can appeal?**

Owners, occupiers and tenants have a legal right of appeal. Only those directly affected by a listing are eligible to appeal.

### **Does everyone affected need to appeal to make an appeal happen?**

No. If, for example, a block of flats is listed only one appeal needs to be submitted for the listing to be appealed. Not all owners, occupiers and tenants need to appeal.

### **What happens if a lot of people appeal separately about the same thing?**

If many people appeal separately about the same thing the Planning and Environmental Appeals Division (see below) will assess if they are for the same property, issue or are so closely related that they ought to be considered together. They will then often put them together to consider them at the same time. If there are many interested parties they will approach them about the most efficient way to manage the process in a way that allows everyone concerned to play their part and make their views known.

### **Is there a fee for making an appeal?**

There is no fee to make an appeal.

### **What can be appealed?**

You can appeal a decision for a:

- new listing
- or changes to statutory addresses of existing listings (the statutory address is the name or address in bold immediately below the 'Address/Name of Site' in the listed building record)

### **What can't be appealed?**

There's no legal right of appeal for:

- removal of a listing
- decisions not to list
- changes in listing category

We are, however, always happy to review our decisions if new information comes to light. Find out how to [request a review](#) using our online application form.

### **Who will decide my appeal?**

Appeals are made to Scottish Ministers and they are processed on their behalf by the [Planning and Environmental Appeals Division](#) (DPEA) of the Scottish Government.

### **On what grounds can I appeal?**

Appeals can be made on the grounds that the building is not of special architectural or historic interest and should be removed from the list. Because economic interests or future development plans are not material to the decision to list a building, these reasons are not relevant to a listing appeal.

### **When can I appeal?**

You must make your appeal within **three months** of our notification of the new listing or change to the statutory address of an existing listing.

This means that your full appeal must be received by DPEA before the end of the third month. For example: If the date of our notification of our decision is 1 September – your full appeal must be received by DPEA on or before 30 November (note: 1 December would be the start of the fourth month, and so too late). DPEA cannot accept and consider an appeal made after the deadline. This includes any incomplete appeal form or documents received before the deadline, but not fully documented by the time it passes. To avoid any risk of your appeal

being turned away due to being out of time, DPEA strongly advise that you make your appeal in plenty of time before the end of the three month period.

### **Who else do I need to notify?**

You must also send a copy of the appeal to the relevant planning authority. In most cases, the local council is the 'planning authority' for its area and so makes decisions on planning applications and other planning matters. But sometimes a 'national park authority' holds the role of the planning authority.

### **Where is the appeal form?**

The [Scottish Government's website](#) has the [form](#) you need to make an appeal as well as [guidance](#) about what the appeals process is, how to complete and submit your form and how to get in touch with DPEA.

You can also contact DPEA for advice by email at [DPEA@gov.scot](mailto:DPEA@gov.scot) or by phone on 0300 244 6668 or find out more on their [website](#).

### **How are appeals decided?**

The appeal process will be normally be managed by a person, called a Reporter, who is appointed by Scottish Ministers to consider and decide your appeal. If the Reporter has sufficient information to be able to make a decision on the appeal, then that is what will happen. However, the Reporter may consider it necessary to obtain some further information before reaching a final decision.

There are several methods available to obtain this information:

- Inspection of the site
- Further written submissions
- Hearing session
- Inquiry session

There is more information about what these mean in the [appeal guidance](#).

### **What happens once an appeal decision has been made?**

After the appeal process is complete, DPEA will prepare and issue a decision notice. This will explain the terms of the decision and also the reasons for it. The notice will be sent to the appellant (the person or

organisation who made the appeal to the Scottish Ministers). Everyone who has participated in the appeal will be told about the decision.

The decision notice will also be published on the [DPEA website](#).

### **Where can I find the results of previous appeals?**

Appeal forms and the subsequent decision notices are published on the [search pages](#) of DPEA's website. The easiest way to find decision notices is to use the 'Advanced Search' tab and choose 'Building Designation Appeal' under the 'Case Type' heading.

### **Further information**

[Planning Aid Scotland](#) provides a free, impartial and confidential Advice Service to help with any planning issues, advice about planning and the planning process.

### **Contact us**

Phone: 0131 668 8914

Email: [designations@hes.scot](mailto:designations@hes.scot)

Website: [www.historicenvironment.scot](http://www.historicenvironment.scot)

### **Complaints**

We are committed to providing high-quality services. We value complaints and use information from them to help us improve our services. If something goes wrong or you are not happy with our services, please tell us.

You can find out more about our complaints procedure on our [website](#).

Phone: 0131 668 8600

Email: [complaints@hes.scot](mailto:complaints@hes.scot)

What if I'm still dissatisfied?

After we have fully investigated, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the [Scottish Public Services Ombudsman](#) to look at it.