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STATUTORY INSTRUMENTS

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**2007 No. 1739**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (Control of  
Advertisements) (England) (Amendment) Regulations 2007**

<i>Made</i>	- - - -	<i>15th June 2007</i>
<i>Laid before Parliament</i>		<i>25th June 2007</i>
<i>Coming into force</i>	- -	<i>20th July 2007</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 220, 221, 223(1), 224(3) and 333(1) of the Town and Country Planning Act 1990<sup>(1)</sup>, makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007 and shall come into force on 20th July 2007.

(2) These Regulations apply in relation to the display of advertisements on sites in England only.

**Amendment of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007**

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007<sup>(2)</sup> are amended—

(a) in Schedule 3 (classes of advertisement for which deemed consent is granted), in Part 1 (specified classes and conditions), in Class 5 (other advertisements on business premises), by the substitution for condition (6) of the following—

“(6) The area of an advertisement consisting of a single placard or poster shall not exceed 1.55 square metres.”; and

(b) in Schedule 4 (modifications of the Town and Country Planning Act 1990), by the substitution, for Parts 1 and 2 (modifications of section 70A and that section as modified), of the Parts set out in the Schedule to these Regulations.

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(1) 1990 c.8.  
(2) S.I. 2007/783.

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**Status:** *This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.*

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Signed by authority of the Secretary of State for Communities and Local Government

15th June 2007

*Yvette Cooper*  
Minister of State  
Department for Communities and Local  
Government

## SCHEDULE

Regulation 2

### PARTS SUBSTITUTED FOR PARTS 1 AND 2 OF SCHEDULE 4 TO THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007

#### “PART 1

#### MODIFICATIONS OF SECTION 70A OF THE ACT

1. In section 70A of the Act<sup>(3)</sup>—
  - (a) in subsection (1), for paragraph (a), substitute—

“(a) the condition in subsection (3) or (4) is satisfied, and”;
  - (b) after subsection (1) insert the following subsection—

“(1A) A local planning authority may decline to determine a relevant application if, by virtue of regulation 21(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, they have no power to grant the consent applied for.”;
  - (c) omit subsection (2);
  - (d) in subsection (3), for “in that period”, substitute “in the period of two years ending with the date on which the application mentioned in subsection (1) is received”;
  - (e) for subsection (5) substitute—

“(5) A relevant application is an application under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for express consent to display an advertisement.”;
  - (f) in subsection (6), at the end of paragraph (b), insert—

“including, in particular, the factors relevant to amenity and public safety that the local planning authority are required to take into account when exercising their powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007”<sup>(4)</sup>;
  - (g) in subsection (7), in paragraph (a), for “subsections (2) and (4)”, substitute “subsection (4)”; and
  - (h) in subsection (8)—
    - (i) for “planning permission”, substitute “express consent”; and
    - (ii) for “the development”, substitute “the subject matter of”.

#### PART 2

#### SECTION 70A OF THE ACT AS MODIFIED

- 70A.**—(1) A local planning authority may decline to determine a relevant application if—
- (a) the condition in subsection (3) or (4) is satisfied, and

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<sup>(3)</sup> Section 70A was inserted by section 17(1) of the Planning and Compensation Act 1991 (c.34) and substituted by section 43(1) of the Planning and Compulsory Purchase Act 2004 (c.5).

<sup>(4)</sup> See regulation 3(1) to (3) of S.I. 2007/783.

- (b) the authority think there has been no significant change in the relevant considerations since the relevant event.

(1A) A local planning authority may decline to determine a relevant application if, by virtue of regulation 21(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, they have no power to grant the consent applied for.

.....*subsection (2) omitted*

(3) The condition is that in the period of two years ending with the date on which the application mentioned in subsection (1) is received the Secretary of State has dismissed an appeal—

- (a) against the refusal of a similar application, or
- (b) under section 78(2) in respect of a similar application.

(4) The condition is that—

- (a) in that period the local planning authority have refused more than one similar application, and
- (b) there has been no appeal to the Secretary of State against any such refusal.

(5) A relevant application is an application under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for express consent to display an advertisement.

(6) The relevant considerations are—

- (a) the development plan so far as material to the application; and
- (b) any other material considerations including, in particular, the factors relevant to amenity and public safety that the local planning authority are required to take into account when exercising their powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

(7) The relevant event is—

- (a) for the purposes of subsection (4) the refusal of the similar application;
- (b) for the purposes of subsection (3) the dismissal of the appeal.

(8) An application for express consent is similar to another application if (and only if) the local planning authority think that the subject matter of and the land to which the applications relate are the same or substantially the same.”

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (“the principal Regulations”) in two respects.

The first relates to Class 5 of Schedule 3, which gives deemed consent for the display of certain advertisements on business premises. Condition (6) is substituted, with the effect of restricting the maximum area of Class 5 advertisements that consist of a single placard or poster to 1.55 square metres.

The second relates to the modifications to section 70A of the Town and Country Planning Act 1990 (power to decline to determine subsequent application) required for applying that section to applications for express consent for the display of advertisements. Regulation 14(3) of the principal Regulations provides for section 70A, as modified, to apply for the purposes of that regulation (power to deal with applications). Parts 1 and 2 of Schedule 4 to the principal Regulations are replaced by the Parts set out in the Schedule to these Regulations.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. A full regulatory impact assessment on the effect of the principal Regulations on the costs of business and the voluntary sector may be obtained from the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU or viewed at [www.communities.gov.uk](http://www.communities.gov.uk)