

SCHEDULE 4

MODIFICATIONS OF THE ACT

PART 2

SECTION 70A OF THE ACT AS MODIFIED

70A.—(1) A local planning authority may decline to determine an application for express consent if—

- (a) within the period of two years ending with the date on which the application is received, the Secretary of State has dismissed an appeal against the refusal of a similar application; and
- (b) in the opinion of the authority there has been no significant change in any material consideration since the dismissal mentioned in paragraph (a).

(1A) A local planning authority may decline to determine an application for express consent 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.

(2) For the purposes of subsection (1) of this section an application for express consent shall be taken to be similar to a later application if the subject matter of the applications and the land to which they relate are in the opinion of the local planning authority the same or substantially the same.