

SCHEDULE 4

MODIFICATIONS OF THE ACT

PART IV

SECTIONS 78 AND 79 OF THE ACT AS MODIFIED (APPLICATIONS FOR EXPRESS CONSENT)

Commencement Information

II Sch. 4 Pt. IV in force at 6.4.1992, see [reg. 1](#)

79.—(1) On an appeal under section 78 the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the local planning authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(1A) The Secretary of State may, in granting an express consent, specify that the term thereof shall run for such longer or shorter period than 5 years as he considers expedient, having regard to regulation 4 of the Town and Country Planning (Control of Advertisements) Regulations 1992 and to any period specified in the application for consent.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the local planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) Subsection (2) does not apply to an appeal referred to a Planning Inquiry Commission under section 101.

(5) The decision of the Secretary of State on an appeal under section 78 shall be final, and shall otherwise have effect as if it were a decision of the local planning authority.

(6) If, before or during the determination of such an appeal in respect of an application for express consent, the Secretary of State forms the opinion that, having regard to the Regulations mentioned in subsection (1A) and to any direction given under them, consent—

- (a) could not have been granted by the local planning authority; or
- (b) could not have been granted otherwise than subject to the conditions imposed,

he may decline to determine the appeal or to proceed with the determination.

(6A) If at any time before or during the determination of such an appeal as is mentioned in subsection (6) it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, he may—

- (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal; and
- (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.

(7) Schedule 6 applies to appeals under section 78, including appeals under that section as applied by or under any other provision of this Act.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Town and Country Planning (Control of Advertisements) Regulations 1992. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations applied by [1997 c. 61 Sch. 3 para. 3\(2\)](#)
- Regulations applied by [2011 c. 1 Sch. 1 para. 18\(1\)](#)
- Regulations applied by [S.I. 2001/1298 reg. 23](#)
- Regulations applied by [S.I. 2004/1962 art. 12](#)
- Regulations applied by [S.I. 2007/2089 reg. 19](#)
- Regulations applied by [S.I. 2012/1917 art. 83\(2\)](#)
- Regulations applied by [S.I. 2012/323 reg. 19](#)
- Regulations applied by [S.I. 2012/444 reg. 24](#)
- Regulations applied by [S.I. 2016/219 Sch. 3 para. 109](#)
- Regulations applied by [S.I. 2004/870 reg. 19](#)
- Regulations applied by [S.I. 2008/1848 reg. 15](#)
- Regulations applied in part (Crown) by [S.I. 2006/1282 art. 11](#)
- Regulations extended by [S.I. 1999/450 art. 150](#)
- Regulations extended by [S.I. 2003/284 art. 138](#)
- Regulations extended by [S.I. 2010/2837 art. 23](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 Pt. 2 para. 34 inserted by [S.I. 1994/2351 reg. 9](#)
- Sch. 4 Pt. 5 para. 2(aa) inserted by [S.I. 2017/553 reg. 2\(5\)\(b\)](#)
- Sch. 4 Pt. 3 para. 1(da) inserted by [S.I. 2017/553 reg. 2\(3\)\(d\)](#)
- Sch. 4 Pt. 3 para. 1(f) inserted by [S.I. 2017/553 reg. 2\(3\)\(e\)](#)
- Sch. 4 Pt. 3 para. 2(da) inserted by [S.I. 2017/553 reg. 2\(3\)\(g\)](#)
- Sch. 4 Pt. 3 para. 1(d) substituted by [S.I. 2017/553 reg. 2\(3\)\(c\)](#)
- Sch. 4 Pt. 3 para. 1(c) words inserted by [S.I. 2017/553 reg. 2\(3\)\(b\)\(i\)](#)
- Sch. 4 Pt. 3 para. 1(c) words inserted by [S.I. 2017/553 reg. 2\(3\)\(b\)\(ii\)](#)
- reg. 2(1A) inserted by [S.I. 2001/1149 Sch. 1 para. 96\(3\)](#)
- reg. 2(2A) inserted by [S.I. 1996/525 art. 3Sch. para. 14\(1\)\(b\)](#)
- reg. 2(2B) inserted by [S.I. 2001/4050 Sch. para. 10\(b\)](#)
- reg. 9A inserted by [S.I. 1999/1810 reg. 3](#)
- reg. 13A inserted by [S.I. 1999/1810 reg. 4](#)