
STATUTORY INSTRUMENTS

2007 No. 783

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

PART 2

DEEMED CONSENT

Deemed consent for the display of advertisements

6.—(1) Subject to regulations 7 and 8, and in the case of an area of special control also to regulation 21, consent is granted for the display of an advertisement of any class specified in Part 1 of Schedule 3, subject to—

- (a) the standard conditions; and
 - (b) in the case of any class other than Class 12, the conditions and limitations specified in that Part in relation to that class.
- (2) Part 2 of Schedule 3 applies for the interpretation of that Schedule.

Directions restricting deemed consent

7.—(1) If the Secretary of State is satisfied, upon a proposal made to her by the local planning authority, that the display of advertisements of any class or description specified in Schedule 3, other than Class 12 or 13, should not be undertaken in any particular area or in any particular case without express consent, she may direct that the deemed consent for that class or description shall not apply in that area or in that case, for a specified period or indefinitely.

- (2) Before making any such direction, the Secretary of State shall—
- (a) where the proposal relates to a particular area, publish, or cause to be published, in at least one newspaper circulating in the locality, and on the same or a subsequent date in the London Gazette, a notice that such a proposal has been made, naming a place or places in the locality where a map or maps defining the area concerned may be inspected at all reasonable hours; and
 - (b) where the proposal relates to a particular case, serve, or cause to be served, on the owner and occupier of the land affected and on any other person who, to her knowledge, proposes to display on that land an advertisement of the class or description concerned, a notice that a proposal has been made, specifying the land and the class or description of advertisement concerned.

(3) A notice under paragraph (2) shall state that any representation about the making of a direction may be made to the Secretary of State in writing within such period, being not less than 21 days from the date when the notice was first published or served (as the case may be), as is specified in the notice.

(4) The Secretary of State shall not make a direction under this regulation until after the expiry of the specified period.

- (5) In determining whether to make a direction, the Secretary of State—

- (a) shall take into account any representation made in accordance with paragraph (3) (a “paragraph (3) representation”);
 - (b) where any paragraph (3) representation consists of an objection, may give to the local planning authority and to any other person who has made a paragraph (3) representation, an opportunity of appearing before and being heard by a person appointed by her for the purpose; and
 - (c) may modify the proposal of the local planning authority if—
 - (i) she has given to that authority and every person who has made a paragraph (3) representation, notice in writing of her intention and the reasons for it and has given them a reasonable opportunity to respond; and
 - (ii) the intended modification does not extend the area of land specified in the proposal.
- (6) Where the Secretary of State makes a direction, she shall send it to the local planning authority, with a statement of her reasons for making it, and shall send a copy of that statement to every person who has made a paragraph (3) representation.
- (7) Notice of the making of any direction for a particular area shall be published by the local planning authority in at least one newspaper circulating in the locality and, unless the Secretary of State otherwise directs, on the same or a subsequent date in the London Gazette, and such notice shall—
- (a) contain a full statement of the effect of the direction;
 - (b) name a place or places in the locality where a copy of the direction and of a map defining the area concerned may be seen at all reasonable hours; and
 - (c) specify a date when the direction shall come into force, being at least 14 and not more than 28 days after the first publication of the notice.
- (8) Notice of the making of any direction for a particular case shall be served by the local planning authority on the owner and on any occupier of the land to which the direction relates, and on any other person who, to the knowledge of the authority, proposes to display on that land an advertisement of the class or description concerned.
- (9) A direction for an area shall come into force on the date specified in the notice given under paragraph (7), and a direction for a particular case shall come into force on the date on which notice is served on the occupier or, if there is no occupier, on the owner of the land affected.

Discontinuance of deemed consent

- 8.—(1) Subject to paragraph (2), the local planning authority may, if it is satisfied that it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public, serve a notice requiring the discontinuance of—
- (a) the display of a particular advertisement for which there is deemed consent; or
 - (b) the use of a particular site for the display of advertisements for which there is deemed consent.
- (2) Paragraph (1) does not apply in relation to an advertisement that is within both Class 12 in Schedule 3 and Class E or Class F in Schedule 1.
- (3) A discontinuance notice—
- (a) shall be served on the advertiser;
 - (b) shall specify the advertisement or, as the case may be, the site to which the notice relates;
 - (c) shall specify a period within which the display or the use of the site, as the case may be, is to be discontinued;
 - (d) shall contain a statement of the reasons why the local planning authority—

- (i) considers that a substantial injury to the amenity of the locality or a danger to members of the public, as the case may be, has been caused; and
 - (ii) considers it necessary to serve the notice; and
 - (e) shall include the names and addresses of all persons on whom the notice has been served.
- (4) Subject to paragraphs (5) and (6), a discontinuance notice shall take effect at the end of the period (being at least 8 weeks after the date on which it is served) specified in the notice.
- (5) If an appeal is made to the Secretary of State under section 78 of the Act (as applied by regulation 17(3)), the notice shall be of no effect until the appeal is finally determined or withdrawn.
- (6) The local planning authority may, by notice served on every person on whom the discontinuance notice was served under paragraph (3)—
- (a) withdraw the discontinuance notice at any time before it takes effect; or
 - (b) unless an appeal is made to the Secretary of State, from time to time vary the discontinuance notice by extending the period at the end of which the notice is to take effect.
- (7) For the purposes of paragraph (5), an appeal is finally determined—
- (a) if the period for bringing any further appeal has ended without an appeal having been made, or
 - (b) if it is withdrawn or otherwise ceases to have effect.
- (8) In considering whether to serve a discontinuance notice, the local planning authority shall have regard to any material change in circumstances that has occurred.