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STATUTORY INSTRUMENTS

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**2019 No. 907**

**The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019**

**PART 5**

**Transitional and saving provisions**

**19.**—(1) Where a prior approval event occurs, the planning permission granted by Class A of Part 16 of Schedule 2 to the Order continues to have effect in relation to a public call box as if the amendments made to that Order by Part 2 of these Regulations had not been made.

(2) A surface of a public call box which was used for displaying an advertisement on or before 24th May 2019 may continue to be used for that purpose.

(3) In this regulation—

“the Order” means the Town and Country Planning (General Permitted Development) (England) Order 2015<sup>(1)</sup>;

“electronic communications apparatus” means apparatus falling within the definition of that term in paragraph 5 of the electronic communications code set out in Schedule 3A to the Communications Act 2003<sup>(2)</sup>;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106(3)(a) of the Communications Act 2003<sup>(3)</sup>;

“electronic communications service” means a service falling within the definition of that term in section 32(2) of the Communications Act 2003<sup>(4)</sup>;

“prior approval application” has the same meaning as in section 69A(2) of the Town and Country Planning Act 1990<sup>(5)</sup>;

“prior approval event” means—

(a) the giving of prior approval, in writing, in relation to the matters in paragraph A.3(4) of Class A of Part 16 of Schedule 2 to the Order—

(i) before 25th May 2019;

(ii) on or after 25th May 2019 where the prior approval application was submitted to the local planning authority before 25th May 2019;

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(1) [S.I.2015/596](#).

(2) [2003 c. 21](#). Schedule 3A was inserted by section 4 of, and Schedule 1 to, the Digital Economy Act 2017 [c. 30](#).

(3) [2003 c.21](#). Section 106 was amended by section 4 of the Digital Economy Act 2017 [c. 30](#).

(4) [2003 c.21](#). Section 32 was amended by Paragraph 9(b) of Schedule 1 to [S.I. 2011/1210](#).

(5) Section 69A(2) was inserted by section 17 of the Neighbourhood Planning Act 2017 [c. 20](#).

- (iii) on or after 25th May 2019 in relation to an appeal which was lodged under section 78 of the Town and Country Planning Act 1990 within 6 months of the date of notice of refusal of a prior approval application submitted before 25th May 2019;
- (b) a determination, in writing, that prior approval is not required to be given—
  - (i) before 25th May 2019;
  - (ii) on or after 25th May 2019 where the prior approval application in accordance with paragraph A.3(5) of Class A of Part 16 of Schedule 2 to the Order, was submitted to the local planning authority before 25th May 2019; or
- (c) the expiry of a period of 56 days beginning with the date on which the local planning authority received the application in accordance with paragraph A.3(5) of Class A of Part 16 of Schedule 2 to the Order without the local planning authority notifying the applicant, in writing, of their determination as to whether such approval is required—
  - (i) before 25th May 2019;
  - (ii) on or after 25th May 2019 where the prior approval application was submitted before 25th May 2019;

“public call box” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator.