

EN05/0235

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

LONDON BOROUGH OF CAMDEN

TOWN AND COUNTRY PLANNING ACT 1990

**THE TOWN AND COUNTRY PLANNING
(CONTROL OF ADVERTISEMENTS) REGULATIONS 1992**

DISCONTINUANCE NOTICE

THE COUNCIL OF THE LONDON BOROUGH OF CAMDEN (hereinafter called "the Council") is by virtue of the London Government Act 1963, the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 and the Town and Country (Control of Advertisements) Regulations 1992 in respect of the land described in the First Schedule hereto.

It appears to the Council that, within the meaning of Regulation 8 of the said Regulations, it is necessary in order to remedy a substantial injury to the amenity of the locality to serve this Discontinuance Notice on you.

The Notice is served for the following reason: -

The use of the site for the display of advertisements causes substantial injury to the amenity of the locality. The advertisement displays to the flank wall of the building causes substantial harm to the character of the building and the streetscene in general.

The advertisement hoardings therefore clearly fail to preserve or enhance the character of West End Green and Parsifal Road Conservation Area, creating a disruptive and obtrusive feature on the host building and within the wider street scene.

The site to which this Notice refers is specified in the First Schedule below.

This Notice shall take effect subject to the provisions of Regulation 8 of the said Regulations at the end of a period 2 months after service of this notice on you.

The Council therefore requires you to take the steps specified in the Second Schedule below within a period of 28 days from the date when the Notice first takes effect.

FIRST SCHEDULE
DESCRIPTION OF SITE

The flank elevation of 217 West End Lane, London NW6 1XJ.

SECOND SCHEDULE
THE REQUIREMENTS OF THIS NOTICE

The use of the site for the display of advertisements is discontinued.

DATED the 1 day of FEBRUARY 2006



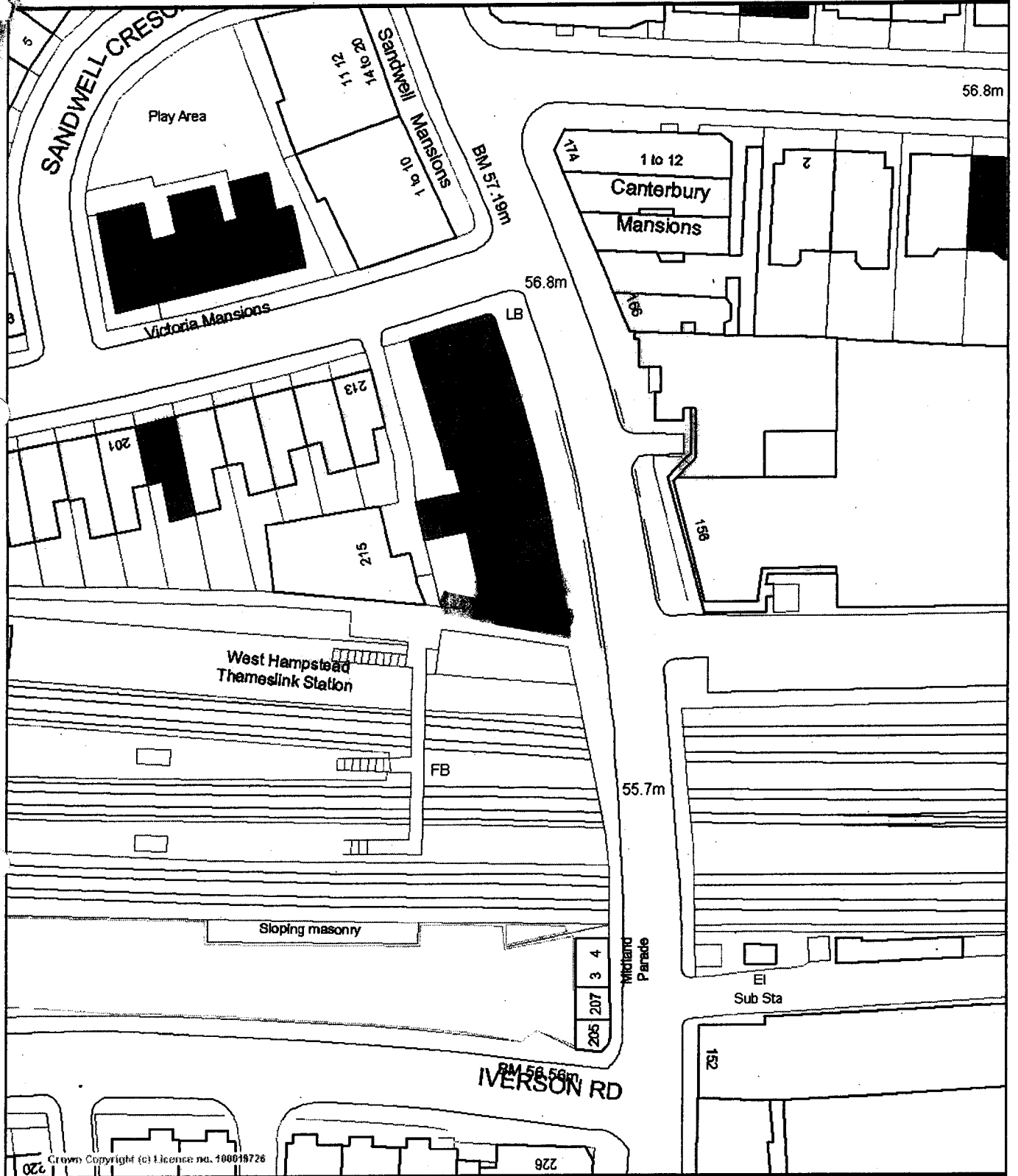
SIGNED.....
DIRECTOR OF LAW AND ADMINISTRATION

ANNEX:

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received by the Secretary of State before this Notice takes effect. Should you require information on appeals you should contact the Planning Inspectorate, Advertisement Section, Room 3/17, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN

17 West End Lane



Crown Copyright (c) Licence no. 100018726

226



Reproduced from the 2004 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationery office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/790 Date 15/2/2005

Centre = 525506 E 184853 N

Punjabi

ਜ਼ਰੂਰੀ: ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਭੇਜਣ ਲਈ ਖ਼ਾਸ ਮਿਆਦ ਹੈ। ਇਸ ਮਿਆਦ ਦਾ ਸਮਾਂ ਪੂਰਾ ਹੋ ਜਾਣ ਤੋਂ ਪਹਿਲਾਂ ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਲਾਜ਼ਮੀ ਤੌਰ ਤੇ ਪਹੁੰਚ ਜਾਣਾ ਚਾਹੀਦਾ ਹੈ। ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਫਾਰਮ ਭਰਨ ਲਈ ਮਦਦ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਸੁਝਾਉਂਦੇ ਹਾਂ ਕਿ ਤੁਸੀਂ ਇਹਦੇ ਬਾਰੇ ਕਿਸੇ ਤੋਂ ਸਲਾਹ ਲਓ।

Gujarati

મહત્વનું : અમને આ ફોર્મ મોકલવા માટે સમય મર્યાદા છે. આ સમય મર્યાદા પૂરી થાય તે પહેલાં અમને તે મળી જવું જ જોઈએ. જો તમને આ ફોર્મ ભરવા માટે મદદની જરૂર હોય તો અમે તમને સલાહ મેળવવાનું સૂચન કરીએ છીએ.

Hindi

आवश्यक : इस फॉर्म को हमारे पास भिजवाने की एक समय-सीमा है। उस समय-सीमा के बीतने से पहले हमें यह फॉर्म अवश्य मिल जाना चाहिए। यदि आपको इस फॉर्म को भरने में सहायता चाहिए, तो हमारा सुझाव है कि आप किसी की सलाह लें।

Urdu

اہم: اس فارم کو ہمیں بھیجنے کے لئے وقت کی ایک معیاد ہے۔ اس معیاد کے گزرنے سے پہلے پہلے ہمیں یہ لازمی طور پر مل جانا چاہیے۔ اگر اس فارم کو بھرنے میں آپ کو مدد کی ضرورت ہے تو ہماری رائے ہے کہ آپ مشورہ حاصل کریں۔

Bengali

জরুরী: এই ফর্ম আমাদের কাছে পাঠানোর একটা সময়সীমা আছে। এই সময়সীমা শেষ হবার আগেই এটা অবশ্যই আমাদের কাছে পৌঁছাতে হবে। এই ফর্ম পূরণ করায় যদি আপনার সাহায্যের দরকার হয় তাহলে আমাদের প্রস্তাব, কারো পরামর্শ নিন।

Chinese

重要通知：把這份表格寄回給我們是有時間限制的。我們必須在時限過期之前收到這份表格。假若你需要別人幫助你填寫這份表格，我們建議你尋求指導。

English

IMPORTANT: There is a time limit for sending this form to us. We must receive it before the time expires. If you need help filling in this form, we suggest you get advice.

- (i) he has notified, in writing, that authority and any person who has made an objection or representation to him of his intention and his 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, he shall send it to the local planning authority, with a statement of his reasons for making it, and shall send a copy of that statement to any person who has made an objection in accordance with paragraph (3) above.

(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 such land an advertisement of the class or description affected.

(9) A direction for an area shall come into force on the date specified in the notice given under paragraph (7) above, 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.

[1102]

NOTES

Commencement: 6 April 1992.

8. Discontinuance of deemed consent

(1) The local planning authority may serve a notice requiring the discontinuance of the display of an advertisement, or of the use of a site for the display of an advertisement, for which deemed consent is granted under regulation 6 if they are 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: but in the case of an advertisement within Class 12 in Schedule 3, they may not do so if the advertisement is also within Class F or Class G in Schedule 2.

(2) A discontinuance notice—

- (a) shall be served on the advertiser and on the owner and occupier of the site on which the advertisement is displayed;
- (b) may, if the local planning authority think fit, also be served on any other person displaying the advertisement;
- (c) shall specify the advertisement or the site to which it relates;
- (d) shall specify a period within which the display or the use of the site (as the case may be) is to be discontinued; and
- (e) shall contain a full statement of the reasons why action has been taken under this regulation.

(3) Subject to paragraph 4, this regulation shall take effect at the end of the period (or periods, if more than one) specified in the notice.

(4) If an appeal is made, notice shall be of no effect pending the appeal.

(5) The local planning authority shall withdraw a discontinuance notice where no appeal to the Secretary of State is made, and shall give notice of the withdrawal.

(6) The local planning authority shall give notice of withdrawal or variation to any other person served with the notice.

NOTES

Commencement: 6 April 1992.

9. Applications for express consent

(1) An application for express consent shall be made to the local planning authority.

(2) Such an application shall be made on a form which shall be annexed to the form submitted for the application.

(3) An applicant shall submit three copies of the completed form.

(4) The local planning authority shall not consider an application unless the applicant has complied with the requirements of paragraph (2), provided that the applicant has submitted a copy of the form to the local planning authority.

(5) A local planning authority may refuse to accept an application for express consent if the applicant has not submitted a copy of the form to the Secretary of State.

(6) An application for express consent shall be treated as having been made on a date earlier than 6 months before the date of the application.

NOTES

Commencement: 6 April 1992.

10. Secretary of State's consent
The Secretary of State may give or withhold consent generally or in relation to particular cases, plans or information.

NOTES

Commencement: 6 April 1992.

authority and any person who notification to him of his intention them a reasonable opportunity

not extend the area of land

rection, he shall send it to the reasons for making it, and shall who has made an objection in

for a particular area shall be at least one newspaper circulating otherwise directs, on the same such notice shall—

he direction;
where a copy of the direction i may be seen at all reasonable

come into force, being at least first publication of the notice.

or a particular case shall be er and on any occupier of the y other person who, to the n such land an advertisement

ce on the date specified in the irection for a particular case s served on the occupier or, if ted. [1102]

requiring the discontinuance of a site for the display of an ed under regulation 6 if they ly a substantial injury to the the public: but in the case of , they may not do so if the Schedule 2.

he owner and occupier of the yed;
ik fit, also be served on any t;
to which it relates;
isplay or the use of the site ; and
is why action has been taken

(3) Subject to paragraphs (4) and (5) below, 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.

(4) If an appeal is made to the Secretary of State under regulation 15, the notice shall be of no effect pending the final determination or withdrawal of the appeal.

(5) The local planning authority, by a notice served on the advertiser, may withdraw a discontinuance notice at any time before it takes effect or may, where no appeal to the Secretary of State is pending, from time to time vary a discontinuance notice by extending the period specified for the taking effect of the notice.

(6) The local planning authority shall, on serving on the advertiser a notice of withdrawal or variation under paragraph (5) above, send a copy to every other person served with the discontinuance notice. [1103]

NOTES

Commencement: 6 April 1992.

PART III EXPRESS CONSENT

9. Applications for express consent

(1) An application for express consent shall be made to the local planning authority.

(2) Such an application shall be made on a form provided by the local planning authority and give the particulars required by that form. There shall be annexed to the form such plans as the authority require.

(3) An applicant shall provide the local planning authority with 2 additional copies of the completed form and the annexed plans.

(4) The local planning authority may, if they think fit, accept an application notwithstanding that the requirements of paragraph (2) or (3) above are not complied with, provided the application is in writing.

(5) A local planning authority shall not employ a form or require the submission of plans or information inconsistently with any direction which the Secretary of State may have given as to the matter.

(6) An application for the renewal of an express consent may not be made at a date earlier than 6 months before the expiry of that consent.

NOTES

Commencement: 6 April 1992.

10. Secretary of State's directions

The Secretary of State may give directions to a local planning authority, either generally or in relation to a particular case or class of case, specifying the kind of particulars, plans or information to be contained in an application for express consent. [1104]

NOTES

Commencement: 6 April 1992.

15. Appeals to the Secretary of State

(1) Sections 78 and 79 of the Act shall apply, in relation to applications for express consent under these Regulations, subject to the modifications specified in Part III of Schedule 4.

(2) The provisions of those sections, as modified under paragraph (1) above, are set out in Part IV of that Schedule.

(3) Where a discontinuance notice is served under regulation 8, sections 78 and 79 of the Act shall apply subject to the modifications specified in Part V of Schedule 4.

[1110]

NOTES

Commencement: 6 April 1992.

16. Revocation or modification of express consent

(1) If a local planning authority are satisfied that it is expedient, they may by order revoke or modify an express consent, subject to paragraphs (2) to (7) below.

(2) An order under paragraph (1) above shall not take effect without the approval of the Secretary of State.

(3) When an authority submit an order under paragraph (1) above to the Secretary of State for approval, they shall serve notice on the person who applied for the express consent, the owner and the occupier of the land affected and any other person who, in their opinion, will be affected by the order, specifying a period of at least 28 days from the service of the notice within which objection may be made.

(4) If, within the period specified in the notice, an objection to the order is received by the Secretary of State from any person on whom notice was served, the Secretary of State shall, before approving the order, give to that person and to the local planning authority an opportunity of appearing before and being heard by a person appointed by him.

(5) The power to make an order under this regulation may be exercised—

- (a) in a case which involves the carrying out of building or other operations, at any time before those operations have been completed;
- (b) in any other case, at any time before the display of advertisements is begun.

(6) In a case to which paragraph (5)(a) above applies, the revocation or modification of consent shall not affect such operations as have already been carried out.

(7) The Secretary of State may approve an order submitted to him under this regulation either without modification or subject to such modifications as he considers expedient.

[1111]

NOTES

Commencement: 6 April 1992.

17. Compensation for revocation or modification

(1) Where—

- (a) an order under regulation 16 takes effect; and

(b) within 6 months of the local planning authority's decision,

the authority shall pay compensation for any loss suffered in the circumstances.

(2) Compensation shall be paid—

- (a) incurred expenditure on preparation of the application;
- (b) otherwise suffered by the applicant other than loss of any interest in the land.

but excluding any work done, before the grant of the consent.

NOTES

Commencement: 6 April 1992.

18. Area of Special Control

(1) Every local planning authority shall designate as an area of special control any part or additional part of its area which it considers should be under special control.

(2) An area of special control order made by the Secretary of State, in relation to an area of special control, shall not take effect until it has been approved by the Secretary of State.

(3) An area of special control order made by a local planning authority subsequent to the making of an order made in accordance with this regulation shall not take effect until it has been approved by the Secretary of State.

(4) Where an area of special control order is revoked or modified, the area shall cease to be an area of special control.

(5) Before making an order under this regulation, a local planning authority shall consult—

- (a) where it applies to the whole or part of the area, the local planning authority of the area;
- (b) where the area is land that is not in the control of any authority, the local planning authority of the area.

(6) A local planning authority shall not designate an area of special control in the interests of national security.

NOTES

Commencement: 6 April 1992.

19. Control in areas of special control

(1) Subject to the provisions of this regulation, the provisions of the Act relating to the control of development in an area of special control shall apply to that area as if it were an area of special control.

"traffic sign" means a sign falling within Class H of Schedule 2 to these Regulations.

(2) Where a maximum area is specified, in relation to any class in this Schedule, in the case of a double-sided board, the area of one side only shall be taken into account.

2.—(1) Subject to sub-paragraph (2), the permitted limits of luminance for advertisements falling within Class 4A or 4B are, for an illuminated area measuring not more than—

- (a) 0.5 square metre, 1,000 candela per square metre,
- (b) 2 square metres, 800 candela per square metre,
- (c) 10 square metres, 600 candela per square metre,

and for any greater area, 400 candela per square metre.

(2) For the purposes of calculating the relevant area for the permitted limits—

- (a) each advertisement, or in the case of a double-sided projecting advertisement, each side of the advertisement is to be taken separately;
- (b) no unilluminated part of the advertisement is to be taken into account. [1127]

NOTES

Commencement: 6 April 1992.

Regulations 13 and 15

SCHEDULE 4

MODIFICATIONS OF THE ACT

PART I

MODIFICATIONS OF SECTION 70A OF THE ACT (POWER OF LOCAL PLANNING AUTHORITY TO DECLINE TO DETERMINE APPLICATIONS)

1. In section 70A of the Act—

- (a) in subsection (1)—
 - (i) for "planning permission for the development of any land" substitute "express consent";
 - (ii) in paragraph (a), omit the words "has refused a similar application referred to him under section 77 or"; and
 - (iii) for paragraph (b) substitute—
 - "(b) in the opinion of the authority there has been no significant change since the dismissal mentioned in paragraph (a) in any material consideration.";
- (b) in subsection (2)—
 - (i) for "planning permission for the development of any land" substitute "express consent";
 - (ii) for "development" substitute "subject matter of the applications"; and
 - (iii) for "the applications" substitute "they".

[1128]

NOTES

Commencement: 6 April 1992.

PART II

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 case of a double-sided board, the area of one side only shall be taken into account.
(2) For the purposes of calculating the relevant area for the permitted limits—
(a) each advertisement, or in the case of a double-sided projecting advertisement, each side of the advertisement is to be taken separately;
(b) no unilluminated part of the advertisement is to be taken into account.

NOTES

Commencement

MODIFICATION

- 1. In section 78 of the Act—
 - (a) in subsection (1) for "express consent" substitute "express consent";
 - (b) for subsection (2) substitute—
 - "(2) For the purposes of calculating the relevant area for the permitted limits—
 - (a) each advertisement, or in the case of a double-sided projecting advertisement, each side of the advertisement is to be taken separately;
 - (b) no unilluminated part of the advertisement is to be taken into account.
 - (c) for subsection (3) substitute—
 - "(3) For the purposes of calculating the relevant area for the permitted limits, the area of one side only shall be taken into account."
 - (3A) For the purposes of calculating the relevant area for the permitted limits, the area of one side only shall be taken into account.
 - (a) in subsection (1) for "express consent" substitute "express consent";
 - (b) in paragraph (a), omit the words "has refused a similar application referred to him under section 77 or"; and
 - (c) for paragraph (b) substitute—
 - "(b) in the opinion of the authority there has been no significant change since the dismissal mentioned in paragraph (a) in any material consideration.";
 - (d) for subsection (2) substitute—
 - (i) for "planning permission for the development of any land" substitute "express consent";
 - (ii) for "development" substitute "subject matter of the applications"; and
 - (iii) for "the applications" substitute "they".
- 2. In section 79 of the Act—
 - (a) after subsection (1A) insert—
 - "(1A) For the purposes of calculating the relevant area for the permitted limits, the area of one side only shall be taken into account."
 - (b) omit subsection (2).

Schedule 2 to these Regulations.
 to any class in this Schedule, in
 y shall be taken into account.
 tted limits of luminance for
 illuminated area measuring not

re,

;

or the permitted limits—
 sided projecting advertisement,
 parately;
 o be taken into account. [1127]

ACT

**CT (POWER OF LOCAL
 ERMINE APPLICATIONS)**

ment of any land" substitute
 refused a similar application

en no significant change since
 any material consideration.";

ment of any land" substitute
 er of the applications"; and
 [1128]

MODIFIED

determine an application for
 ite on which the application is
 appeal against the refusal of

and

(b) in the opinion of the authority there has been no significant change since the
 dismissal mentioned in paragraph (a) in any material consideration.

(2) For the purposes 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. [1129]

NOTES

Commencement: 6 April 1992.

PART III

**MODIFICATIONS OF SECTIONS 78 AND 79 OF THE ACT (APPLICATIONS
 FOR EXPRESS CONSENT)**

1. In section 78 of the Act—

- (a) in subsection (1), for paragraphs (a), (b) and (c) substitute "refuse an application
 for express consent or grant it subject to conditions,";
- (b) for subsection (2) substitute—

"(2) A person who has made an application for express consent may also
 appeal to the Secretary of State if within the period of 8 weeks from the date
 when the application was received by the local planning authority, that
 authority have neither given him notice of their decision on it nor given him
 notice that they have exercised their power under section 70A to decline to
 determine the application.";

- (c) for subsection (3) substitute the following subsections—

"(3) Any appeal under subsection (1) or (2) shall be made by notice served
 within 8 weeks from the date of receipt of the local planning authority's
 decision, or, as the case may be, within 8 weeks from the expiry of the period
 mentioned in subsection (2), or within such longer period as the Secretary of
 State may in either case at any time allow.

(3A) The notice mentioned in subsection (3) shall be accompanied by a
 copy of each of the following documents—

- (a) the application made to the local planning authority;
- (b) all relevant plans and particulars submitted to them;
- (c) any notice of decision; and
- (d) any other relevant correspondence with the authority.";

- (d) for subsection (4) substitute—

"(4) Where an appeal is made to the Secretary of State as mentioned in
 subsection (3), he may require the appellant or the local planning authority to
 submit to him, within such period as he may specify, a statement in writing in
 respect of such matters relating to the application as he may require, and
 after considering the statement, if the Secretary of State is satisfied that he has
 sufficient information to determine the appeal he may, with the approval of the
 local planning authority, determine the appeal without reference to section
 79(2).";

- (e) in subsection (5), omit references to sections 25(2)(c) and 26(1)(c).

2. In section 79 of the Act—

- (a) after subsection (1) insert—

"(1A) The Secretary of State may, in planning an appeal, require the appellant to
 that the term 'local planning authority' in section 79(2) shall mean the local planning
 authority which is the local planning authority for the land to which the application
 he considers appropriate, and the Secretary of State may, in exercising his power
 Planning (Control of Advertisement) Regulations, 1992, to require the appellant to
 specified in the application for consent."

- (c) in subsection (5), for "such an appeal shall be final", substitute "an appeal under section 78 shall be final, and shall otherwise have effect as if it were a decision of the local planning authority";
- (d) in subsection (6), for the words from "in respect of an application for planning permission" to "planning permission for that development", substitute "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";
- (e) in subsection (6A), after the word "appeal" the first time it appears, insert "as is mentioned in subsection (6)".

[1130]

NOTES

Commencement: 6 April 1992.

PART IV

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

78.—(1) Where a local planning authority refuse an application for express consent or grant it subject to conditions, the applicant may by notice appeal to the Secretary of State.

(2) A person who has made an application for express consent may also appeal to the Secretary of State if within the period of 8 weeks from the date when the application was received by the local planning authority, that authority have neither given him notice of their decision on it nor given him notice that they have exercised their power under section 70A to decline to determine the application.

(3) Any appeal under subsection (1) or (2) shall be made by notice served within 8 weeks from the date of receipt of the local planning authority's decision, or, as the case may be, within 8 weeks from the expiry of the period mentioned in subsection (2), or within such longer period as the Secretary of State may in either case at any time allow.

(3A) The notice mentioned in subsection (3) shall be accompanied by a copy of each of the following documents—

- (a) the application made to the local planning authority;
- (b) all relevant plans and particulars submitted to them;
- (c) any notice of decision; and
- (d) any other relevant correspondence with the authority.

(4) Where an appeal is made to the Secretary of State as mentioned in subsection (3), he may require the appellant or the local planning authority to submit to him, within such period as he may specify, a statement in writing in respect of such matters relating to the application as he may specify, and if, after considering the grounds of appeal and any such statement, the Secretary of State is satisfied that he has sufficient information to enable him to determine the appeal he may, with the agreement in writing of both the appellant and the local planning authority, determine the appeal without complying with section 79(2).

(5) For the purposes of the application of sections 79(1) and 288(10)(b) in relation to an appeal under subsection (2), it shall be assumed that the authority decided to refuse the application in question.

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 much 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.

(2) Before determining either the appellant's opportunity of appeal or the Secretary of State for the purpose of subsection (2).

(3) Subsection (2) Commission under section

(5) The decision of and shall otherwise have

(6) If, before or at application for express regard to the Regulations them, consent—

- (a) could not have
- (b) could not have he may decline

(6A) If at any time mentioned in subsection responsible for undue d

- (a) give the appeal takes, within the notice for
- (b) if the appellant accordingly.

(7) Schedule 6 applies as applied by or

NOTES

Commencement: 6 April

MODIFICATIONS

1. In section 78 for sub

"(1) Where a local planning authority of Advertisements notice, appeal by

(2) Notice of time before the d regulation 8(3), t regulation 8(5), or may allow, and t documents—

- (a) the discon
- (b) any notice
- (c) any releva

(3) Where an require the appeal period as he may to the discon of appeal and sufficient infor

final", substitute "an appeal
wise have effect as if it were a

of an application for planning
development", substitute "in
the Secretary of State forms the
mentioned in subsection (1A)

first time it appears, insert "as
[1130]

D (APPLICATIONS FOR

lication for express consent or
ice appeal to the Secretary of

onsent may also appeal to the
date when the application was
ve neither given him notice of
exercised their power under

ade by notice served within 8
rity's decision, or, as the case
entioned in subsection (2), or
either case at any time allow.

companied by a copy of each

ity;
sm;

rity.

mentioned in subsection (3),
ity to submit to him, within
pect of such matters relating
g the grounds of appeal and
e has sufficient information
ement in writing of both the
eal without complying with

and 288(10)(b) in relation to
authority decided to refuse

state may—

lanning authority (whether

im in the first instance.

s consent, specify that the
an 5 years as he considers
untry 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. [1131]

NOTES

Commencement: 6 April 1992.

PART V

MODIFICATIONS OF THE ACT (DISCONTINUANCE NOTICES)

1. In section 78 for subsections (1) to (5) substitute—

"(1) Where a discontinuance notice has been served on any person by a local planning authority under regulation 8 of the Town and Country Planning (Control of Advertisements) Regulations 1992 that person may, if he is aggrieved by the notice, appeal by notice under this section to the Secretary of State.

(2) Notice of appeal shall be given in writing to the Secretary of State at any time before the date on which the discontinuance notice is due to take effect under regulation 8(3), taking account where appropriate of any extension of time under regulation 8(5), of those Regulations, or such longer period as the Secretary of State may allow, and the notice shall be accompanied by a copy of the following documents—

- (a) the discontinuance notice;
- (b) any notice of variation thereof; and
- (c) any relevant correspondence with the authority.

(3) Where an appeal is brought under this section the appellant shall be required to require the appellant or the local planning authority to submit to the Secretary of State, within the period as he may specify, a statement in writing in support of the appeal, and to provide to the discontinuance notice as he may specify, and to provide to the Secretary of State, of appeal and any such statement, and to provide to the Secretary of State, sufficient information to enable him to determine the appeal.

agreement in writing of both the appellant and the local planning authority, determine the appeal without complying with section 79(2)."

2. In section 79—

(a) for subsection (1) substitute—

"(1) Where an appeal is brought in respect of a discontinuance notice the Secretary of State may—

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the discontinuance notice (whether the appeal relates to that part of it or not),

and may deal with the matter as if an application for express consent had been made and refused for the reasons stated for the taking of discontinuance action.";

(b) for subsection (4) substitute—

"(4) On the determination of an appeal under section 78 the Secretary of State shall give such directions as may be necessary for giving effect to his determination, including, where appropriate, directions for quashing the discontinuance notice or for varying its terms in favour of the appellant.";

(c) omit subsection (6);

(d) in subsection (6A), after the word "appeal" the first time it appears, insert "in respect of a discontinuance notice".

[1132]

NOTES

Commencement: 6 April 1992.

Regulation 18

SCHEDULE 5

AREA OF SPECIAL CONTROL ORDERS

PART I

PROCEDURE FOR AREA OF SPECIAL CONTROL ORDERS

1. A local planning authority who propose—

(a) to designate an area of special control; or

(b) to modify an area of special control order,

shall make an area of special control order designating the area or indicating the modifications by reference to an annexed map.

2. If an area of special control order contains any descriptive matter relating to the area or the modifications in question, that descriptive matter shall prevail, in the case of any discrepancy with the map, unless the order provides to the contrary.

3. As soon as may be after the making of an area of special control order, the authority shall submit it to the Secretary of State for approval, together with—

(a) two certified copies of the order;

(b) a full statement of their reasons for making it;

(c) in the case of an order modifying an existing order, unless the boundaries of the existing area of special control are indicated on the map annexed to the order, a plan showing both these boundaries and the proposed modifications; and

(d) any additional certified copy of any of the material in subparagraphs (a) to (c) above, which the Secretary of State requires.

4. The authority shall forthwith publish in the London Gazette, and in two successive weeks in at least one newspaper circulating in the locality, a notice in prescribed Form 1.

5. If any objection is made to an order, in the manner and within the time provided for in the prescribed form, the Secretary of State—

(a) may offer all land in writing about

(b) may, and at the inquiry to be held, person appointed

6. After considering any r and, where applicable, the Secretary of State may, sub modifications.

7. If the Secretary of State p land in an order, he shall—

(a) publish notice of t

(b) afford an opportu the proposed mod

(c) if he considers it e

8. As soon as may be after shall publish in the Londo newspaper circulating in the

9. An area of special contro of its approval is published i

10. Where a local planning special control order, a map the procedure prescribed in modifying an existing orde prescribed forms of notice ur and 4.

11. Any reference in this Pa that number in Part II of this

NOTES

Commencement: 6 April 1992

NOTICE OF AI

Ton

1. Town and Country Planning

We, the (insert name of Co control order, made under reg Advertisements) Regulations Wales for approval under Sch

2. *The order designates t on the map accompanying the

*The order modifies the of land described in the Sched

3. A copy of the order deposited at and will be avail

any premises to which the
Act 1963 applies;
remises for the purposes

Factories Act 1961;
a university, university
iversity;
1 institution within the

school or an institution
ocation (or both) and is
thority.

ing permission shall
is granted—

as are mentioned in

and Disabled Persons

Disabled to Buildings
ctice BS 5810:1979) or
de;

in subsection (1)(b), to
or any such prescribed

n subsection (1)(c), (d)
sign Note 18 "Access
published in 1984 on
d document replacing

in the Education Act
[83]

29A(1)(part), 29B(1)(part),
Sch 12, para 70; sub-s (2)
art), (2), 29B(1)(part), the
6, Sch 11, para 3, Sch 12,
1971, s 29B(1A), and the

ons and decisions

ng applications for
g authority required
being dealt with by

authority or to local

(b) may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Subject to subsection (5), where an application for planning permission is referred to the Secretary of State under this section, sections [70, 72(1) and (5), 73 and 73A] shall apply, with any necessary modifications, as they apply to such an application which falls to be determined by the local planning authority [and a development order may apply, with or without modifications, to an application so referred any requirements imposed by such an order by virtue of section 65 or 71].

(5) Before determining an application referred to him under this section, the Secretary of State shall, if either the applicant or the local planning authority 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.

(6) Subsection (5) does not apply to an application for planning permission referred to a Planning Inquiry Commission under section 101.

(7) The decision of the Secretary of State on any application referred to him under this section shall be final. [84]

NOTES

Commencement: 24 August 1990.

Sub-ss (1)-(3), (7) derived from the Town and Country Planning Act 1971, s 35(1)-(3), (6); sub-s (4) derived from the Town and Country Planning Act 1971, s 35(4)(part), the Town and Country Planning (Minerals) Act 1981, Sch 1, para 2, and the Housing and Planning Act 1986, Sch 11, para 17; sub-ss (5), (6) derived from the Town and Country Planning Act 1971, s 35(5).

The words in square brackets in sub-s (4) substituted or added by the Planning and Compensation Act 1991, s 32, Sch 7, paras 8, 18.

This Act does not extend to Scotland.

78. Right to appeal against planning decisions and failure to take such decisions

(1) Where a local planning authority—

- (a) refuse an application for planning permission or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of planning permission or grant it subject to conditions; or
- (c) refuse an application for any approval of that authority required under a development order or grant it subject to conditions,

the applicant may by notice appeal to the Secretary of State.

(2) A person who has made such an application may also appeal to the Secretary of State if the local planning authority have [done so] in the following]—

- (a) given notice to the applicant of their decision on the application; [(aa) given notice to the applicant that they have exercised their power under section 70A to decline to determine the application];
- (b) given notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 77,

within such period as may be prescribed by the development order or by the

and upon in writing between the

made by notice served within
and by a development order.

such a notice must not be less

the decision; or
in (2), 28 days from the end of
subsection (2) or, as the case
in that subsection.

sections 79(1), 253(2)(c), 266(1)(b)
subsection (2), it shall be assumed
in question. [85]

Act 1971, ss 36(1), 37(part), and the
4(2), (3); sub-ss (3), (5) derived from
it); sub-s (4) derived from the Town
and Country Planning Act

State may—

of the local planning authority
if it or not),

then made to him in the first

on 78 the Secretary of State
authority so wish, give each of
heard by a person appointed

referred to a Planning Inquiry

sections [70, 72(1) and (5), 73
any necessary modifications,
under section 78 as they apply
which falls to be determined
it order may apply, with or
requirements imposed by a

in an appeal shall be final.

in an appeal in respect of an
and, the Secretary of State
orders of sections 70 and 72(1),
under that order, planning

- (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 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. [86-88]

NOTES

Commencement: 24 August 1990.

Sub-s (1) derived from the Town and Country Planning Act 1971, ss 36(3), 37; sub-ss (2), (3)
derived from the Town and Country Planning Act 1971, s 36(4); sub-s (4) derived from the Town
and Country Planning Act 1971, s 36(5), the Town and Country Planning (Minerals) Act 1981, Sch
1, para 3, and the Housing and Planning Act 1986, Sch 11, para 17; sub-ss (5), (7) derived from the
Town and Country Planning Act 1971, s 36(6), (8); sub-s (6) derived from the Town and Country
Planning Act 1971, s 36(7), and the Housing and Planning Act 1986, Sch 11, para 18.

The words in square brackets in sub-s (4) substituted or added and sub-s (6A) inserted by the
Planning and Compensation Act 1991, ss 18, 32, Sch 7, paras 8, 19.

This Act does not extend to Scotland.

80, 81. (Repealed by the Planning and Compensation Act 1991, ss 31(4), 84(6),
Sch 6, paras 8, 11, Sch 19, Pt II.)

Simplified planning zones

82. Simplified planning zones

(1) A simplified planning zone is an area in respect of which a simplified
planning zone scheme is in force.

(2) The adoption or approval of a simplified planning zone scheme has
effect to grant in relation to the zone, or any part of it specified in the scheme,
planning permission—

- (a) for development specified in the scheme, or
(b) for development of any class so specified.

(3) Planning permission under a simplified planning zone scheme may be
unconditional or subject to such conditions, limitations or restrictions as may be
specified in the scheme.

NOTES

Commencement: 24 August 1990.

This section derived from the Town and Country Planning Act 1971, s 36(1)(c) and the
Housing and Planning Act 1986, s 25(1).

This Act does not extend to Scotland.

83. Making of simplified planning zone schemes

(1) Every local planning authority shall consider, as soon as practicable after
the 2nd November 1987, the question for which part or parts of the