



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VIII

SPECIAL CONTROLS

[^{F1}CHAPTER 4

REMEDYING DEFACEMENT OF PREMISES

Textual Amendments

- F1** Pt. 8 Chs. 4, 5 inserted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), ss. **127(2)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by [S.I. 2012/2029](#), arts. 2, 4)

225F Power to remedy defacement of premises

- (1) Subsections (2) and (3) apply if—
- (a) premises in England include a surface that is readily visible from a place to which the public have access;
 - (b) either—
 - (i) the surface does not form part of the operational land of a statutory undertaker, or
 - (ii) the surface forms part of the operational land of a statutory undertaker and subsection (11) applies to the surface;
 - (c) there is a sign on the surface; and
 - (d) the local planning authority consider the sign to be detrimental to the amenity of the area or offensive.
- (2) The local planning authority may serve on the occupier of the premises a notice requiring the occupier to remove or obliterate the sign by a time specified in the notice.

Status: Point in time view as at 23/12/2016.

Changes to legislation: Town and Country Planning Act 1990, CHAPTER 4 is up to date with all changes known to be in force on or before 19 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) If it appears to the local planning authority that there is no occupier of the premises, the local planning authority may fix to the surface a notice requiring the owner or occupier of the premises to remove or obliterate the sign by a time specified in the notice.
- (4) A time specified under subsection (2) or (3) may not be earlier than the end of 15 days beginning the date of service or fixing of the notice.
- (5) Subsection (6) applies if—
 - (a) a notice is served under subsection (2) or fixed under subsection (3); and
 - (b) the sign is neither removed nor obliterated by the time specified in the notice.
- (6) The local planning authority may—
 - (a) remove or obliterate the sign; and
 - (b) recover expenses reasonably incurred by the local planning authority in doing that from the person required by the notice to do it.
- (7) Power under subsection (6)(a) is subject to the right of appeal under section 225I.
- (8) Expenses may not be recovered under subsection (6)(b) if the surface—
 - (a) forms part of a flat or a dwellinghouse;
 - (b) is within the curtilage of a dwellinghouse; or
 - (c) forms part of the boundary of the curtilage of a dwellinghouse.
- (9) Section 291 of the Public Health Act 1936 (provision for expenses to be recoverable also from owner's successor or from occupier and to be charged on premises concerned) applies as if the reference in that section to that Act included a reference to this section.
- (10) For the purposes of this section, a universal postal service provider is treated as being the occupier of any plant or apparatus that consists of a universal postal service letter box or a universal postal service pouch-box belonging to it.
- (11) This subsection applies to a surface if the surface abuts on, or is one to which access is given directly from, either—
 - (a) a street; or
 - (b) any place, other than a street, to which the public have access as of right.
- (12) In this section—

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building;

“flat” means a separate and self-contained set of premises constructed or adapted for use as a dwelling and forming part of a building from some other part of which it is divided horizontally;

“premises” means building, wall, fence or other structure or erection, or apparatus or plant;

“sign”—

 - (a) includes any writing, letter, picture, device or representation, but
 - (b) does not include an advertisement;

“statutory undertaker” does not include a relevant airport operator (within the meaning of Part 5 of the Airports Act 1986);

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“street” includes any highway, any bridge carrying a highway and any road, lane, mews, footway, square, court, alley or passage, whether a thoroughfare or not;

“universal postal service letter box” has the meaning given in section 86(4) of the Postal Services Act 2000;

“universal postal service pouch-box” has the meaning given in paragraph 1(10) of Schedule 6 to that Act.

225G Notices under section 225F in respect of post boxes

(1) The local planning authority may serve a notice under section 225F(2) on a universal postal service provider in respect of a universal postal service letter box, or universal postal service pouch-box, belonging to the provider only if—

- (a) the authority has served on the provider written notice of the authority's intention to do so; and
- (b) the period of 28 days beginning with the date of service of that notice has ended.

(2) In this section—

“universal postal service letter box” has the meaning given in section 86(4) of the Postal Services Act 2000;

“universal postal service pouch-box” has the meaning given in paragraph 1(10) of Schedule 6 to that Act.

225H Section 225F powers as respects bus shelters and other street furniture

(1) The local planning authority may exercise the power conferred by section 225F(6) (a) to remove or obliterate a sign from any surface on a bus shelter, or other street furniture, of a statutory undertaker that is not situated on operational land of the statutory undertaker only if—

- (a) the authority has served on the statutory undertaker notice of the authority's intention to do so;
- (b) the notice specified the bus shelter, or other street furniture, concerned; and
- (c) the period of 28 days beginning with the date of service of the notice has ended.

(2) In this section “statutory undertaker” does not include an airport operator (within the meaning of Part 5 of the Airports Act 1986).

225I Right to appeal against notice under section 225F

(1) A person on whom notice has been served under section 225F(2) may appeal to a magistrates' court on any of the following grounds—

- (a) that the sign concerned is neither detrimental to the amenity of the area nor offensive;
- (b) that there has been some informality, defect or error in, or in connection with, the notice;
- (c) that the time within which the sign concerned is to be removed or obliterated is not reasonably sufficient for the purpose;
- (d) that the notice should have been served on another person.

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- (2) The occupier or owner of premises which include a surface to which a notice has been fixed under section 225F(3) may appeal to a magistrates' court on any of the following grounds—
- (a) that the sign concerned is neither detrimental to the amenity of the area nor offensive;
 - (b) that there has been some informality, defect or error in, or in connection with, the notice;
 - (c) that the time within which the sign concerned is to be removed or obliterated is not reasonably sufficient for the purpose.
- (3) So far as an appeal under this section is based on the ground mentioned in subsection (1)(b) or (2)(b), the court must dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) If an appeal under subsection (1) is based on the ground mentioned in subsection (1)(d), the appellant must serve a copy of the notice of appeal on each person who the appellant considers is a person on whom the notice under section 225F(2) should have been served.
- (5) If—
- (a) notice under section 225F(2) is served on a person, and
 - (b) the local planning authority bring proceedings against the person for the recovery under section 225F(6)(b) of any expenses,
- it is not open to the person to raise in the proceedings any question which the person could have raised in an appeal under subsection (1).

225J Remedying defacement at owner or occupier's request

- (1) Subsection (2) applies if—
- (a) premises in England include a surface that is readily visible from a place to which the public have access;
 - (b) there is a sign on the surface; and
 - (c) the owner or occupier of the premises asks the local planning authority to remove or obliterate the sign.
- (2) The local planning authority may—
- (a) remove or obliterate the sign; and
 - (b) recover expenses reasonably incurred by the local planning authority in doing that from the person who asked the local planning authority to do it.
- (3) In this section “premises” means building, wall, fence or other structure or erection, or apparatus or plant.
- (4) In this section “sign”—
- (a) includes—
 - (i) any writing, letter, picture, device or representation, and
 - (ii) any advertisement, but
 - (b) does not include an advertisement for the display of which deemed or express consent has been granted under Chapter 3.]

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