



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART VIII

#### SPECIAL CONTROLS

#### CHAPTER III

#### ADVERTISEMENTS

#### *Advertisement regulations*

#### **220 Regulations controlling display of advertisements.**

- (1) Regulations under this Act shall make provision for restricting or regulating the display of advertisements so far as appears to the Secretary of State to be expedient in the interests of amenity or public safety.
- (2) Without prejudice to the generality of subsection (1), any such regulations may provide—
  - (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which advertisements may be displayed and the manner in which they are to be affixed to the land;
  - (b) for requiring the consent of the local planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations;
  - (c) for applying, in relation to any such consent and to applications for such consent, any of the provisions mentioned in subsection (3), subject to such adaptations and modifications as may be specified in the regulations;
  - (d) for the constitution, for the purposes of the regulations, of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.

[<sup>F1</sup>(2A) The regulations may also make provision as to—

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- (a) the form and manner in which an application for consent must be made;
  - (b) particulars of such matters as are to be included in the application;
  - (c) any documents or other materials which must accompany the application.]
- (3) The provisions referred to in subsection (2)(c) are—
- (a) the provisions of Part III relating to planning permission and to applications for planning permission, except sections 56, [F2 62], 65 F3 . . . , 69(3) and (4), 71, F4 . . . , 91 to 96, 100 and 101 and Schedule 8;
  - (b) sections 137 to 141, 143 and 144 (except so far as they relate to purchase notices served in consequence of such orders as are mentioned in section 137(1)(b) or (c));
  - (c) section 316.
- (4) Without prejudice to the generality of the powers conferred by this section, regulations made for the purposes of this section may provide that any appeal from the decision of the local planning authority, on an application for their consent under the regulations, shall be to an independent tribunal constituted in accordance with the regulations, instead of being an appeal to the Secretary of State.
- (5) If any tribunal is so constituted, the Secretary of State may pay to the chairman and members of the tribunal such remuneration, whether by way of salaries or by way of fees, and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as he may with the consent of the Treasury determine.

#### Textual Amendments

- F1** S. 220(2A) inserted (6.8.2004 for certain purposes and prosp. otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), ss. 42\(4\), 121 \(with s. 111\); S.I. 2004/2097, art. 2](#)
- F2** Words in s. 220(3) repealed (6.8.2004 for certain purposes and prosp. otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), ss. 120, 121, Sch. 9 \(with s. 111\); S.I. 2004/2097, art. 2](#)
- F3** Words in s. 220(3)(a) repealed (17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), ss. 32, 84\(6\), Sch. 7 para. 37, Sch. 19 Pt. I \(with s. 84\(5\)\); S.I. 1992/1491, art. 2, Schs. 1, 2](#)
- F4** Words in s. 220(3)(a) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), ss. 31\(4\), 84\(6\), Sch. 6 para. 21, Sch. 19 Pt. II \(with s. 84\(5\)\); S.I. 1991/2067, art. 3 \(subject to art. 4\)](#)

#### Modifications etc. (not altering text)

- C1** S. 220: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(a\); S.I. 1993/2762, art. 3](#)
- C2** S. 220: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#)

## 221 Power to make different advertisement regulations for different areas.

- (1) Regulations made for the purposes of section 220 may make different provision with respect to different areas, and in particular may make special provision—
- (a) with respect to conservation areas;
  - (b) with respect to areas defined for the purposes of the regulations as experimental areas, and
  - (c) with respect to areas defined for the purposes of the regulations as areas of special control.

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- (2) An area may be defined as an experimental area for a prescribed period for the purpose of assessing the effect on amenity or public safety of advertisements of a prescribed description.
- (3) An area may be defined as an area of special control if it is—
  - (a) a rural area, or
  - (b) an area which appears to the Secretary of State to require special protection on grounds of amenity.
- (4) Without prejudice to the generality of subsection (1), the regulations may prohibit the display in an area of special control of all advertisements except advertisements of such classes (if any) as may be prescribed.
- (5) Areas of special control for the purposes of regulations under this section may be defined by means of orders made or approved by the Secretary of State in accordance with the provisions of the regulations.
- (6) Where the Secretary of State is authorised by the regulations to make or approve any such order as is mentioned in subsection (5), the regulations shall provide—
  - (a) for the publication of notice of the proposed order in such manner as may be prescribed,
  - (b) for the consideration of objections duly made to it, and
  - (c) for the holding of such inquiries or other hearings as may be prescribed, before the order is made or approved.
- (7) Subject to subsection (8), regulations made under section 220 may be made so as to apply—
  - (a) to advertisements which are being displayed on the date on which the regulations come into force, or
  - (b) to the use for the display of the advertisements of any site which was being used for that purpose on that date.
- (8) Any regulations made in accordance with subsection (7) shall provide for exempting from them—
  - (a) the continued display of any such advertisements as there mentioned; and
  - (b) the continued use for the display of advertisements of any such site as there mentioned,during such period as may be prescribed.
- (9) Different periods may be prescribed under subsection (8) for the purposes of different provisions of the regulations.

**Modifications etc. (not altering text)**

**C3** S. 221: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3

**222 Planning permission not needed for advertisements complying with regulations.**

Where the display of advertisements in accordance with regulations made under section 220 involves development of land—

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- (a) planning permission for that development shall be deemed to be granted by virtue of this section, and
- (b) no application shall be necessary for that development under Part III.

**Modifications etc. (not altering text)**

**C4** S. 222: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3

*Repayment of expense of removing prohibited advertisements*

**223 Repayment of expense of removing prohibited advertisements.**

- (1) Where, for the purpose of complying with any regulations made under section 220, works are carried out by any person—
  - (a) for removing an advertisement which was being displayed on 1st August 1948; or
  - (b) for discontinuing the use for the display of advertisements of a site used for that purpose on that date,
 that person shall, on a claim made to the local planning authority within such time and in such manner as may be prescribed, be entitled to recover from that authority compensation in respect of any expenses reasonably incurred by him in carrying out those works.
- (2) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this section shall be referred to and determined by the [<sup>F5</sup>Upper Tribunal].
- (3) In relation to the determination of any such question, the provisions of [<sup>F6</sup>section] 4 of the <sup>M1</sup>Land Compensation Act 1961 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

**Textual Amendments**

**F5** Words in s. 223(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 208(a)**

**F6** Word in s. 223(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 208(b)**

**Marginal Citations**

**M1** 1961 c.33.

*Enforcement of control over advertisements*

**224 Enforcement of control as to advertisements.**

- (1) Regulations under section 220 may make provision for enabling the local planning authority to require—
  - (a) the removal of any advertisement which is displayed in contravention of the regulations, or

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- (b) the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations.
- (2) For that purpose the regulations may apply any of the provisions of Part VII with respect to enforcement notices or the provisions of section 186, subject to such adaptations and modifications as may be specified in the regulations.
- (3) Without prejudice to any provisions included in such regulations by virtue of subsection (1) or (2), if any person displays an advertisement in contravention of the regulations he shall be guilty of an offence and liable on summary conviction to a fine of such amount as may be prescribed, not exceeding [<sup>F7</sup>level 4] on the standard scale and, in the case of a continuing offence, [<sup>F8</sup>one-tenth of [<sup>F7</sup>level 4] on the standard scale] for each day during which the offence continues after conviction.
- (4) Without prejudice to the generality of subsection (3), a person shall be deemed to display an advertisement for the purposes of that subsection if—
- (a) he is the owner or occupier of the land on which the advertisement is displayed; or
  - (b) the advertisement gives publicity to his goods, trade, business or other concerns.
- (5) A person shall not be guilty of an offence under subsection (3) by reason only—
- (a) of his being the owner or occupier of the land on which an advertisement is displayed, or
  - (b) of his goods, trade, business or other concerns being given publicity by the advertisement,
- if he proves [<sup>F9</sup>either of the matters specified in subsection (6)] .
- [<sup>F10</sup>(6) The matters are that—
- (a) the advertisement was displayed without his knowledge; or
  - (b) he took all reasonable steps to prevent the display or, after the advertisement had been displayed, to secure its removal.]

[<sup>F11</sup>(7) Proceedings for an offence under subsection (3) may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to the prosecutor's knowledge.

(8) Subsection (7) does not authorise the commencement of proceedings for an offence more than 3 years after the date on which the offence was committed.

(9) For the purposes of subsection (7), a certificate—

    - (a) signed by or on behalf of the prosecutor, and
    - (b) stating the date on which evidence sufficient in the prosecutor's opinion to justify the proceedings came to the prosecutor's knowledge,

is conclusive evidence of that fact.

(10) A certificate stating that matter and purporting to be so signed is to be deemed to be so signed unless the contrary is proved.

(11) Subsection (7) does not apply in relation to an offence in respect of an advertisement in Wales.]

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#### Textual Amendments

- F7** Words in s. 224(3) substituted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), s. 53; S.I. 2003/3300, art. 2(d)
- F8** Words in s. 224(3) substituted (6.4.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para.38 (with s. 84(5)); S.I. 1992/665, art. 2
- F9** Words in s. 224(5) substituted (7.6.2005) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 33(2), 108 (with s. 33(4))
- F10** S. 224(6) inserted (7.6.2005) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 33(3), 108 (with s. 33(4))
- F11** S. 224(7)-(11) inserted (6.4.2012) by Localism Act 2011 (c. 20), ss. 126(4), 240(2) (with ss. 126(5), 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)

#### Modifications etc. (not altering text)

- C5** S. 224: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3
- C6** S. 224 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1, 25
- C7** S. 224(3) restricted (19.9.2007) by London Local Authorities Act 2007 (c. ii), ss. 1(3)-(5), 8(3)
- C8** S. 224(3) applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), ss. 1(3)-(5), 31, Sch. 2 Pt. 1

## 225 Power to remove or obliterate placards and posters.

- (1) Subject to subsections (2) and (3), the local planning authority may remove or obliterate any placard or poster—
- which is displayed in their area; and
  - which in their opinion is so displayed in contravention of regulations made under section 220.
- (2) Subsection (1) does not authorise the removal or obliteration of a placard or poster displayed within a building to which there is no public right of access.
- (3) Subject to subsection (4), where a placard or poster identifies the person who displayed it or caused it to be displayed, the local planning authority shall not exercise any power conferred by subsection (1) unless they have first given him notice in writing—
- that in their opinion it is displayed in contravention of regulations made under section 220; and
  - that they intend to remove or obliterate it on the expiry of a period specified in the notice <sup>[F12]</sup>and recover from him the costs they may reasonably incur in doing so] .
- (4) Subsection (3) does not apply if—
- the placard or poster does not give his address, and
  - the authority do not know it and are unable to ascertain it after reasonable inquiry.
- (5) The period specified in a notice under subsection (3) must be not less than two days from the date of service of the notice.
- <sup>[F13]</sup>(6) Where—
- a local planning authority serve a notice on a person under subsection (3) in relation to a placard or poster, and

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- (b) the person fails to remove or obliterate it within the period specified in the notice,  
the authority may recover from that person the costs they may reasonably incur in exercising their power under subsection (1).]
- [<sup>F14</sup>(7) This subsection applies in relation to a placard or poster where—
- (a) the placard or poster does not identify the person who displayed it or caused it to be displayed, or
- (b) it does do so, but subsection (3) does not apply by reason of subsection (4), and the placard or poster publicises the goods, services or concerns of an identifiable person.
- (8) Where subsection (7) applies, subsections (3) to (6) have effect as if the reference in subsection (3) to the person who displayed the placard or poster or caused it to be displayed were a reference to the person whose goods, services or concerns are publicised.]
- [<sup>F15</sup>(9) Where any damage is caused to land or chattels in the exercise of the power under subsection (1) in relation to a placard or poster, compensation may be recovered by any person suffering the damage from the local planning authority exercising the power.
- (10) Subsection (9) does not permit the recovery of compensation by the person who displayed the placard or poster or caused it to be displayed.
- (11) The provisions of section 118 apply in relation to compensation under subsection (9) as they apply in relation to compensation under Part 4.]

#### Textual Amendments

- F12** Words in s. 225(3)(b) inserted (6.4.2006 for E. and 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 34\(2\), 108; S.I. 2006/795, art. 2\(3\), Sch. 2; S.I. 2006/2797, art. 2\(g\)](#)
- F13** S. 225(6) inserted (6.4.2006 for E. and 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 34\(3\), 108; S.I. 2006/795, art. 2\(3\), Sch. 2; S.I. 2006/2797, art. 2\(g\)](#)
- F14** S. 225(7)(8) inserted (6.4.2006 for E. and 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 34\(4\), 108; S.I. 2006/795, art. 2\(3\), Sch. 2; S.I. 2006/2797, art. 2\(g\)](#)
- F15** S. 225(9)(10)(11) inserted (6.4.2006 for E. and 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 34\(5\), 108; S.I. 2006/795, art. 2\(3\), Sch. 2; S.I. 2006/2797, art. 2\(g\)](#)

#### Modifications etc. (not altering text)

- C9** S. 225: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(a\); S.I. 1993/2762, art. 3](#)  
S. 225 modified (8.1.1996) by [1995 c. x, s. 10](#)

#### [<sup>F16</sup>225A Power to remove structures used for unauthorised display

- (1) Subject to subsections (2), (3) and (5) and the right of appeal under section 225B, the local planning authority for an area in England may remove, and then dispose of, any display structure—
- (a) which is in their area; and
- (b) which, in the local planning authority's opinion, is used for the display of advertisements in contravention of regulations under section 220.

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- (2) Subsection (1) does not authorise the removal of a display structure in a building to which there is no public right of access.
- (3) The local planning authority may not under subsection (1) remove a display structure unless the local planning authority have first served a removal notice on a person who appears to the local planning authority to be responsible for the erection or maintenance of the display structure.
- (4) Subsection (3) applies only if there is a person—
  - (a) who appears to the local planning authority to be responsible for the erection or maintenance of the display structure; and
  - (b) whose name and address are either known by the local planning authority or could be ascertained by the local planning authority after reasonable enquiry.
- (5) If subsection (3) does not apply, the local planning authority may not under subsection (1) remove a display structure unless the local planning authority have first—
  - (a) fixed a removal notice to the display structure or exhibited a removal notice in the vicinity of the display structure; and
  - (b) served a copy of that notice on the occupier of the land on which the display structure is situated.
- (6) Subsection (5)(b) applies only if the local planning authority know who the occupier is or could identify the occupier after reasonable enquiry.
- (7) Where—
  - (a) the local planning authority has served a removal notice in accordance with subsection (3) or (5)(b), and
  - (b) the display structure is not removed by the time specified in the removal notice,

the local planning authority may recover, from any person on whom the removal notice has been served under subsection (3) or (5)(b), expenses reasonably incurred by the local planning authority in exercising the local planning authority's power under subsection (1).
- (8) Expenses are not recoverable under subsection (7) from a person if the person satisfies the local planning authority that the person was not responsible for the erection of the display structure and is not responsible for its maintenance.
- (9) Where in the exercise of power under subsection (1) any damage is caused to land or chattels, compensation may be recovered by any person suffering the damage from the local planning authority exercising the power, but compensation is not recoverable under this subsection or section 325(6)—
  - (a) for damage caused to the display structure; or
  - (b) for damage reasonably caused in removing the display structure.
- (10) The provisions of section 118 apply in relation to compensation under subsection (9) as they apply in relation to compensation under Part 4.
- (11) In this section “removal notice”, in relation to a display structure, means notice—
  - (a) stating that in the local planning authority's opinion the display structure is used for the display of advertisements in contravention of regulations under section 220;



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- (b) stating that the local planning authority intend after a time specified in the notice to remove the display structure; and
  - (c) stating the effect of subsections (7) and (8).
- (12) A time specified under subsection (11)(b) may not be earlier than the end of 22 days beginning with the date of the notice.
- (13) In this section “display structure” means (subject to subsection (14))—
- (a) a hoarding or similar structure used, or designed or adapted for use, for the display of advertisements;
  - (b) anything (other than a hoarding or similar structure) principally used, or designed or adapted principally for use, for the display of advertisements;
  - (c) a structure that is itself an advertisement; or
  - (d) fitments used to support anything within any of paragraphs (a) to (c).
- (14) Something is a “display structure” for the purpose of this section only if—
- (a) its use for the display of advertisement requires consent under this Chapter, and
  - (b) that consent has not been granted and is not deemed to have been granted.
- (15) In subsection (13) “structure” includes movable structure.

#### Textual Amendments

**F16** Ss. 225A-225E inserted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 127(1), 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**)

#### **225B Appeal against notice under section 225A**

- (1) A person on whom a removal notice has been served in accordance with section 225A(3) or (5)(b) may appeal to a magistrates' court on any of the following grounds—
- (a) that the display structure concerned is not used for the display of advertisements in contravention of regulations under section 220;
  - (b) that there has been some informality, defect or error in, or in connection with, the notice;
  - (c) that the period between the date of the notice and the time specified in the notice is not reasonably sufficient for the removal of the display structure;
  - (d) that the notice should have been served on another person.
- (2) For the purposes of subsection (3), a person is a “permitted appellant” in relation to a removal notice if—
- (a) the removal notice has been fixed or exhibited in accordance with section 225A(5)(a);
  - (b) the person is an owner or occupier of the land on which the display structure concerned is situated; and
  - (c) no copy of the removal notice has been served on the person in accordance with section 225A(5)(b).

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- (3) A person who is a permitted appellant in relation to a removal notice may appeal to a magistrates' court on any of the following grounds—
- (a) that the display structure concerned is not used for the display of advertisements in contravention of regulations under section 220;
  - (b) that there has been some informality, defect or error in, or in connection with, the notice;
  - (c) that the period between the date of the notice and the time specified in the notice is not reasonably sufficient for the removal of the display structure.
- (4) So far as an appeal under this section is based on the ground mentioned in subsection (1)(b) or (3)(b), the court must dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (5) 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 removal notice should have been served in accordance with section 225A(3) or (5)(b).
- (6) If—
- (a) a removal notice is served on a person in accordance with section 225A(3) or (5)(b), and
  - (b) the local planning authority bring proceedings against the person for the recovery under section 225A(7) 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).
- (7) In this section “removal notice” and “display structure” have the same meaning as in section 225A.

#### Textual Amendments

**F16** Ss. 225A-225E inserted (6.4.2012) by *Localism Act 2011 (c. 20)*, ss. 127(1), 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)

### 225C Remedying persistent problems with unauthorised advertisements

- (1) Subsections (2) and (3) apply if the local planning authority for an area in England have reason to believe that there is a persistent problem with the display of unauthorised advertisements on a surface of—
- (a) any building, wall, fence or other structure or erection; or
  - (b) any apparatus or plant.
- (2) The local planning authority may serve an action notice on the owner or occupier of the land in or on which the surface is situated.
- (3) If after reasonable enquiry the local planning authority—
- (a) are unable to ascertain the name and address of the owner, and
  - (b) are unable to ascertain the name and address of the occupier,
- the local planning authority may fix an action notice to the surface.

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- (4) For the purposes of this section “an action notice”, in relation to a surface, is a notice requiring the owner or occupier of the land in or on which the surface is situated to carry out the measures specified in the notice by a time specified in the notice.
- (5) A time may be specified in an action notice if it is a reasonable time not earlier than the end of 28 days beginning with the date of the notice.
- (6) Measures may be specified in an action notice if they are reasonable measures to prevent or reduce the frequency of the display of unauthorised advertisements on the surface concerned.
- (7) The time by which an owner or occupier must comply with an action notice may be postponed by the local planning authority.
- (8) This section has effect subject to—
  - (a) the other provisions of the enactments relating to town and country planning;
  - (b) the provisions of the enactments relating to historic buildings and ancient monuments; and
  - (c) Part 2 of the Food and Environmental Protection Act 1985 (which relates to deposits in the sea).
- (9) Subsection (10) applies if—
  - (a) an action notice is served under subsection (2) or fixed under subsection (3); and
  - (b) the measures specified in the notice are not carried out by the time specified in the notice.
- (10) The local planning authority may—
  - (a) carry out the measures; and
  - (b) recover expenses reasonably incurred by the local planning authority in doing that from the person required by the action notice to do it.
- (11) Power under subsection (10)(a) is subject to the right of appeal under section 225D.
- (12) Where in the exercise of power under subsection (10)(a) any damage is caused to land or chattels, compensation may be recovered by any person suffering the damage from the local planning authority exercising the power, but compensation is not recoverable under this subsection for damage reasonably caused in carrying out the measures.
- (13) The provisions of section 118 apply in relation to compensation under subsection (12) as they apply in relation to compensation under Part 4.
- (14) The local planning authority may not recover expenses under subsection (10)(b) in respect of a surface that—
  - (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.
- (15) Each of sections 275 and 291 of the Public Health Act 1936 (provision for authority to agree to take the required measures at expense of owner or occupier, and 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.

*Status: Point in time view as at 05/11/2013.*

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(16) 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;

“unauthorised advertisement” means an advertisement in respect of which an offence—

(a) under section 224(3), or

(b) under section 132 of the Highways Act 1980 (unauthorised marks on highway),

is committed after the coming into force of this section.

#### Textual Amendments

**F16** Ss. 225A-225E inserted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 127(1), 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**)

#### 225D Right to appeal against notice under section 225C

- (1) A person on whom notice has been served under section 225C(2) may appeal to a magistrates' court on any of the following grounds—
  - (a) that there is no problem with the display of unauthorised advertisements on the surface concerned or any such problem is not a persistent one;
  - (b) that there has been some informality, defect or error in, or in connection with, the notice;
  - (c) that the time within which the measures specified in the notice are to be carried out is not reasonably sufficient for the purpose;
  - (d) that the notice should have been served on another person.
- (2) The occupier or owner of premises which include a surface to which a notice has been fixed under section 225C(3) may appeal to a magistrates' court on any of the following grounds—
  - (a) that there is no problem with the display of unauthorised advertisements on the surface concerned or any such problem is not a persistent one;
  - (b) that there has been some informality, defect or error in, or in connection with, the notice;
  - (c) that the time within which the measures specified in the notice are to be carried out 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 225C(2) should have been served.

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- (5) If—
- (a) notice under section 225C(2) is served on a person, and
  - (b) the local planning authority bring proceedings against the person for the recovery under section 225C(10)(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).

#### Textual Amendments

**F16** Ss. 225A-225E inserted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 127(1), 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](#))

### 225E Applying section 225C to statutory undertakers' operational land

- (1) Subsection (2) and (3) apply where the local planning authority serves a notice under section 225C(2) requiring a statutory undertaker to carry out measures in respect of the display of unauthorised advertisements on a surface on its operational land.
- (2) The statutory undertaker may, within 28 days beginning with the date of service of the notice, serve a counter-notice on the local planning authority specifying alternative measures which will in the statutory undertaker's reasonable opinion have the effect of preventing or reducing the frequency of the display of unauthorised advertisements on the surface to at least the same extent as the measures specified in the notice.
- (3) Where a counter-notice is served under subsection (2), the notice under section 225C(2) is to be treated—
  - (a) as requiring the alternative measures specified in the counter-notice to be carried out (instead of the measures actually required by the notice under section 225C(2)); and
  - (b) as having been served on the date on which the counter-notice is served.
- (4) The time by which a statutory undertaker must carry out the measures specified in a counter-notice served under subsection (2) may be postponed by the local planning authority.]

#### Textual Amendments

**F16** Ss. 225A-225E inserted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 127(1), 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](#))

**Status:**

Point in time view as at 05/11/2013.

**Changes to legislation:**

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