



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VIII

SPECIAL CONTROLS

CHAPTER III

ADVERTISEMENTS

Enforcement of control over advertisements

[^{F1}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).

Status: Point in time view as at 06/11/2012.

Changes to legislation: Town and Country Planning Act 1990, Section 225B is up to date with all changes known to be in force on or before 18 July 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) 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

F1 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 06/11/2012.

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