



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART VIII

#### SPECIAL CONTROLS

#### [<sup>F1</sup>CHAPTER 4

##### REMEDYING DEFACEMENT OF PREMISES

#### [<sup>F1</sup>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.
- (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.

*Status: Point in time view as at 06/11/2012.*

*Changes to legislation: Town and Country Planning Act 1990, Section 225F is up to date with all changes known to be in force on or before 15 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)*

- (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);
- “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.]

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#### **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](#))

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