

SCHEDULE 4

MODIFICATIONS OF THE ACT

PART III

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

Commencement Information

II Sch. 4 Pt. III in force at 6.4.1992, see [reg. 1](#)

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 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).”;

(e) in subsection (5), omit references to sections 253(2)(c) and 266(1)(b).

2. In section 79 of the Act—

(a) after subsection (1) insert—

“(1A) The Secretary of State may, in granting an express consent, specify that the term thereof shall run for such longer or shorter period than 5 years as he considers

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expedient, having regard to regulation 4 of the Town and Country Planning (Control of Advertisements) Regulations 1992 and to any period specified in the application for consent.”;

- (b) omit subsection (4);
- (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)”.

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Changes and effects yet to be applied to :

- Sch. 4 Pt. 3 para. 2(b) substituted by [S.I. 2017/553 reg. 2\(3\)\(f\)](#)
- Sch. 4 Pt. 3 para. 1(a) words substituted by [S.I. 2017/553 reg. 2\(3\)\(a\)](#)
- Regulations applied by [1997 c. 61 Sch. 3 para. 3\(2\)](#)
- Regulations applied by [2011 c. 1 Sch. 1 para. 18\(1\)](#)
- Regulations applied by [S.I. 2001/1298 reg. 23](#)
- Regulations applied by [S.I. 2004/1962 art. 12](#)
- Regulations applied by [S.I. 2007/2089 reg. 19](#)
- Regulations applied by [S.I. 2012/1917 art. 83\(2\)](#)
- Regulations applied by [S.I. 2012/323 reg. 19](#)
- Regulations applied by [S.I. 2012/444 reg. 24](#)
- Regulations applied by [S.I. 2016/219 Sch. 3 para. 109](#)
- Regulations applied by [S.I. 2004/870 reg. 19](#)
- Regulations applied by [S.I. 2008/1848 reg. 15](#)
- Regulations applied in part (Crown) by [S.I. 2006/1282 art. 11](#)
- Regulations extended by [S.I. 1999/450 art. 150](#)
- Regulations extended by [S.I. 2003/284 art. 138](#)
- Regulations extended by [S.I. 2010/2837 art. 23](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 Pt. 2 para. 34 inserted by [S.I. 1994/2351 reg. 9](#)
- Sch. 4 Pt. 5 para. 2(aa) inserted by [S.I. 2017/553 reg. 2\(5\)\(b\)](#)
- Sch. 4 Pt. 3 para. 1(da) inserted by [S.I. 2017/553 reg. 2\(3\)\(d\)](#)
- Sch. 4 Pt. 3 para. 1(f) inserted by [S.I. 2017/553 reg. 2\(3\)\(e\)](#)
- Sch. 4 Pt. 3 para. 2(da) inserted by [S.I. 2017/553 reg. 2\(3\)\(g\)](#)
- Sch. 4 Pt. 3 para. 1(d) substituted by [S.I. 2017/553 reg. 2\(3\)\(c\)](#)
- Sch. 4 Pt. 3 para. 1(c) words inserted by [S.I. 2017/553 reg. 2\(3\)\(b\)\(i\)](#)
- Sch. 4 Pt. 3 para. 1(c) words inserted by [S.I. 2017/553 reg. 2\(3\)\(b\)\(ii\)](#)
- reg. 2(1A) inserted by [S.I. 2001/1149 Sch. 1 para. 96\(3\)](#)
- reg. 2(2A) inserted by [S.I. 1996/525 art. 3 Sch. para. 14\(1\)\(b\)](#)
- reg. 2(2B) inserted by [S.I. 2001/4050 Sch. para. 10\(b\)](#)
- reg. 9A inserted by [S.I. 1999/1810 reg. 3](#)
- reg. 13A inserted by [S.I. 1999/1810 reg. 4](#)