
STATUTORY INSTRUMENTS

2007 No. 783

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

PART 2

DEEMED CONSENT

Discontinuance of deemed consent

8.—(1) Subject to paragraph (2), the local planning authority may, if it is satisfied that it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public, serve a notice requiring the discontinuance of—

- (a) the display of a particular advertisement for which there is deemed consent; or
- (b) the use of a particular site for the display of advertisements for which there is deemed consent.

(2) Paragraph (1) does not apply in relation to an advertisement that is within both Class 12 in Schedule 3 and Class E or Class F in Schedule 1.

(3) A discontinuance notice—

- (a) shall be served on the advertiser;
- (b) shall specify the advertisement or, as the case may be, the site to which the notice relates;
- (c) shall specify a period within which the display or the use of the site, as the case may be, is to be discontinued;
- (d) shall contain a statement of the reasons why the local planning authority—
 - (i) considers that a substantial injury to the amenity of the locality or a danger to members of the public, as the case may be, has been caused; and
 - (ii) considers it necessary to serve the notice; and
- (e) shall include the names and addresses of all persons on whom the notice has been served.

(4) Subject to paragraphs (5) and (6), a discontinuance notice shall take effect at the end of the period (being at least 8 weeks after the date on which it is served) specified in the notice.

(5) If an appeal is made to the Secretary of State under section 78 of the Act (as applied by regulation 17(3)), the notice shall be of no effect until the appeal is finally determined or withdrawn.

(6) The local planning authority may, by notice served on every person on whom the discontinuance notice was served under paragraph (3)—

- (a) withdraw the discontinuance notice at any time before it takes effect; or
- (b) unless an appeal is made to the Secretary of State, from time to time vary the discontinuance notice by extending the period at the end of which the notice is to take effect.

(7) For the purposes of paragraph (5), an appeal is finally determined—

- (a) if the period for bringing any further appeal has ended without an appeal having been made, or

(b) if it is withdrawn or otherwise ceases to have effect.

(8) In considering whether to serve a discontinuance notice, the local planning authority shall have regard to any material change in circumstances that has occurred.