



Ministry of Housing,
Communities &
Local Government

Fiona Clark BSc(Hons) DipTP MRTPI
Planning Officer (Homes and Communities)
Planning and Place Service | Directorate for
Economic Growth and Regeneration |
Lancaster City Council

fjclark@lancaster.gov.uk

Please ask for: Bijal Patel
Tel:
Email: Bijal.patel@communities.gov.uk
Your ref:
Our ref: PCU/ADV/A2335/3261479
Date: 29 April 2021

Dear Ms Clark

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007: (“the Regulations”)
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT**

1. I am directed by the Secretary of State to refer to the request made by Lancaster City Council (“the Council”) on 13 October 2020 for a Direction that deemed consent for the display of letting boards relating to residential property, which are advertisements under Class 3A of Schedule 3 to the Regulations, should be withdrawn from certain areas within the City of Lancaster.

2. The Council’s request for the making of the Direction was publicly advertised in the local press in the first week of November 2020. Sixteen representations were received by the Council, none of which objected to the making of the proposed Direction. One representation was received from a local sales and letting agent, accepting the need for the consent and seeking to make a distinction between the practices of traditional estate agents and those of student housing and letting agencies. It is noted that the Inspector has contacted the Council in relation to this matter and the details are at para’s 22-24 of the Inspectors report.

The Proposed Areas

3. The Direction would cover the following areas in the City of Lancaster, namely:

- Bulk
- Castle

Planning Casework Unit
Ministry of Housing Communities and Local Government
5 St Philips Place
Birmingham
B3 2PW

Tel: 0303 444 8050
E-mail: pcu@communities.gov.uk

- John O' Gaunt
- Marsh
- Scotforth East
- Scotforth West

The areas are identified on maps provided by the Council and are identified in the plans, annexed hereto.

The Council's reasons for making the Direction

4. The Council advise that the amount of HMOs within areas of Lancaster creates an unfortunate ancillary, visual impact due to the display of To Let boards. Properties used as HMOs often display To Let boards for prolonged periods, creating an unacceptable degree of clutter and an adverse visual effect along terraced streets. The introduction of advertisement controls will seek to reduce this clutter and improve the appearance of these areas.

Description of Proposed Areas

5. The majority of the streets are comprised of residential terraces of traditional stone and slate construction with relatively little alteration to their façades or roofs. Therefore, many of these streets make a positive contribution to the historic character of the City.

6. The proliferation of letting boards in areas with a significant proportion of HMOs gives rise to severely adverse impacts on the character of those streets and the amenity of the local area. The adverse effect of this uncontrolled signage on amenity is of particular concern as these wards also comprise those parts of the City with the highest numbers of heritage assets, with parts of those wards falling within designated Conservation Areas.

7. The wards within Lancaster that would be covered by the Direction are those with the highest numbers and concentrations of Houses in Multiple Occupation (HMOs). Lancaster is home to both Lancaster University and the Lancaster campus of the University of Cumbria and a majority of HMOs in these areas are used as student accommodation. There is, consequently, a high turnover of tenants, with a change in tenancy taking place annually or more than once each year. With the majority of HMOs used as student accommodation there is a peak time for landlords seeking tenants for the next academic year. This tends to occur between the start of the Autumn term and Christmas. Many streets have large numbers of letting boards on display at these peak times. The increasing practice of letting agencies not complying with the 2007 Regulations requirement, that letting boards be removed within 14 days of a grant of a tenancy, has meant that some boards are left in place for prolonged periods and, in some cases, for many months.

Appraisal

8. Taking into account a site visit and representations made in response to the Council's initial announcement to seek a Direction, the Inspector agrees with the Council that there is a significant problem with To-Let boards and their proliferation has had a harmful effect on the visual amenity of the areas concerned. A Regulation 7 Direction to remove deemed consent, therefore, is required to improve visual amenity in line with government policy, as set out in paragraph 132 of the National Planning Policy Framework.

9. In his report at para 36, the Inspector notes that the degree of proliferation of letting boards in very many streets within the 6 wards, has a significant adverse effect on amenity and that the long term retention of such signs heightens that adverse impact. In view of those adverse impacts, the Inspector considers that the introduction of additional controls on the display of letting boards is supported by Local Plan Policy DM21 that seeks to ensure that advertisements should not create visual clutter and are appropriately sited in order to positively contribute to a safe and attractive environment. The Inspector believes that it would also be consistent with Policies DM37 to DM41 which seek to ensure that the district's heritage is protected or enhanced.

10. At para 40 of his report, the Inspector is satisfied that the problems resulting from the proliferation of letting boards occur in all of the six wards. As terraced streets tend to be clustered together, these issues are unlikely to be experienced across the full extent of each ward. The problems are also likely to be less severe in those wards with a lower proportion of HMOs. The Inspector goes on to state that the Council has considered and consulted upon the option of applying the Direction to a smaller area and has extended it to include all of the six wards for good reason.

11. At para 46 of his report, the Inspector agrees with the Council that the deemed consent provisions, in respect of the display of letting boards, have had such an adverse effect on amenity in the area included within the six wards that there is no prospect of an improvement in the quality of advertisements in the locality unless the local planning authority is given the power to control that particular type of advertising. The test set out in paragraph 042 of the PPG is, therefore, satisfied and the making of the Direction is fully justified in this case.

12. At para 49 of his report, the Inspector recommends that the Direction should initially apply for 5 years, as this would enable the Council to monitor and review both the effectiveness of the Direction and the ongoing need for the removal of deemed consent for the display of letting boards in the six wards in light of the growing use of online tools in the marketing of student accommodation.

13. In conclusion, the Inspector agrees with the Council that the Direction should be made covering the areas named in the application and detailed on the plans attached to it, for a period of 5 years.

Formal Decision

14. For the reasons set out above, the Secretary of State is satisfied that a Direction should be made to control the display of letting boards relating to residential property within the areas of the City of Lancaster identified below and on the maps submitted by the Council for a period of 5 years.

- Bulk
- Castle
- John O' Gaunt
- Marsh
- Scotforth East
- Scotforth West

15. A formal Direction is attached. The Council's attention is drawn to the provisions of Regulation 7(7), which specify the procedure for publishing the effect and date of operation of the Direction.

16. When this Direction is brought into effect, the display of letting boards in relation to residential property may only be undertaken lawfully in the areas specified in paragraph 14 above, when the Council have granted express consent for their display. In order not to prejudice the interests of persons wishing to display advertisements for property lettings, the Council are invited to ensure that any such applications for express consent are decided within the period specified in Regulation 14(1) of the Regulations.

Right of Appeal against the Decision

17. The decision of the Secretary of State may be challenged by way of an application to the High Court and a separate note is attached to this letter setting out the circumstances in which such an application may be made.

Yours sincerely,

Dave Moseley

Dave Moseley
Senior Planning Casework Manager