



Report to the Secretary of State for Housing, Communities and Local Government

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an Inspector appointed by the Secretary of State

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

**Direction under Regulation 7 restricting deemed consent for the display of
To Let Boards relating to residential properties in various wards within
the City of Lancaster**

Application by Lancaster City Council

Site visit made on 3 March 2021

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The Terms of the Proposed Direction

1. The proposed Direction under Regulation 7 would remove the deemed consent rights applicable to the display of letting boards falling within Schedule 3, Part 1, Class 3A of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 2007 Regulations). This would cover all boards affixed to the external wall or erected outside properties advertising that they are available to rent. Although many of these display the words 'To Let', other forms of wording are used and I shall refer in this report to all of these signs as 'letting boards'. The Direction would apply to the following electoral wards in the City of Lancaster: Marsh, Castle, Bulk, John O'Gaunt, Scotforth East and Scotforth West. These cover the City Centre and much of the City to the south of the River Lune. A plan showing the area that would be covered by the proposed Direction is included within the Council's 'Background Paper on the Designation of a Regulation 7 Direction in Lancaster' that was submitted with the application to the Secretary of State.
2. If the Direction is made, any person wishing to display a letting board in any of these wards would need to apply to the Council for express consent to do so. Those applications would be dealt with in the same way as any other application for express advertisement consent but there would be no application fee because the deemed consent has been removed. The Council would have 8 weeks to determine an application in line with any relevant planning policies. Applicants would have a right of appeal if consent is refused or if the Council fails to determine the application within the 8 week period.

The Council's reasons for seeking the Direction

3. 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 to comply with the 2007 Regulations requirement,¹ that letting boards be removed within 14 days of a grant of a tenancy, means that some boards are left in place for prolonged periods and, in some cases, for many months.
4. The resultant proliferation of letting boards, particularly when viewed together, for example in a street of terraced houses, leads to visual clutter in the street and has a significant adverse impact on the character and visual amenity of these streets and the area in which they are located.

¹ Paragraph (3) of Class 3A (Conditions and Limitations)

5. The highest concentration of HMOs is in Castle Ward where Council Tax data indicate that 18.6% of the properties are used as HMOs. In the other wards included within the area covered by the proposed Direction, the proportion of HMOs is between 2.45% (Scotforth East) and 13.3% (John O'Gaunt). These high concentrations of HMOs reflect both the nature of the housing stock (with large numbers of terraced houses) and their proximity to the City Centre and University of Cumbria campus. Lancaster University campus is located on the southern fringe of the City but many of its students also live in the wards affected by the proposed Direction. In some wards there are individual streets in which as much as 45% of the houses are used as HMOs.
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.²
7. An increasing number of students search for accommodation online and the value and importance of physical signage outside of properties for let is reducing. Notwithstanding that emerging trend, the proliferation, long-term retention, and cumulative effect of letting boards in large parts of the City presents a significant problem.
8. Similar problems have been experienced in other university towns and the Council is aware that some local authorities have sought to control this through voluntary codes of practice for the display of letting boards. These voluntary codes have generally been found not to be effective and local authorities, such as Durham County Council, have gone on to introduce a Regulation 7 Direction in place of those voluntary arrangements. The Council does not consider that a voluntary code would be an effective means of addressing the issues of concern in Lancaster.

Statutory and Policy context

9. Regulation 7 of the 2007 Regulations states that, if the Secretary of State is satisfied that the display of advertisements of any class or description, should not be undertaken in any particular area without express consent, he may direct that deemed consent for that class or description shall not apply in that area for a specified time or indefinitely. As a time limit was not specified in the proposal, I sought clarification from the Council as to its intentions with regard to how long it wishes the Direction to be in force. The Council has confirmed that 5 years is considered to be a reasonable period in the first instance.
10. The guidance in national Planning Practice Guidance (PPG) states that, before a Direction can be made, it must be clear that one of the deemed consent provisions has had such an adverse effect on amenity or public safety in the area 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

² See Map of Conservation Areas at Appendix 3 to the Background Paper

particular type of advertising.³ The Council does not allege that the proliferation of lettings boards gives rise to issues of public safety but considers that the PPG test is met in respect of the adverse effect on amenity in the wards concerned.

11. At the local level, the Council's Corporate Plan includes an ambition of making the City's neighbourhoods clean, well-maintained and safe. Relevant planning policy is contained in the Lancaster District Local Plan. Policy SP7 sets out the aim of ensuring that all development, including the use of buildings, should maintain the district's heritage. Policy DM21 seeks to ensure that advertisements should be "*well designed and appropriately sited in order to positively contribute to a safe and attractive environment.*" It also requires that they should not contribute to the unsightly proliferation of signs or visual clutter. Policies DM37 to DM41 seek to ensure that the district's heritage is protected or enhanced. The Council asserts that all of these policies provide support for the additional control of letting boards that the Direction would provide.

Informal Consultation

12. The Council carried out informal consultation on the proposal to seek a Direction over a 6 week period between 21 February and 3 April 2020. The details of how the consultation was carried out, what responses were received, and how these have been taken into account in the Council's final proposals in respect of the Direction are set out in the Council's Consultation Statement dated September 2020.
13. The consultation exercise was a combined consultation on the proposed Regulation 7 Direction, the possible introduction of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to manage the concentration of HMOs in the City and the village of Galgate (close to the Lancaster University campus), and a draft Supplementary Planning Document setting out planning guidance on residential conversions and HMOs.
14. A large number of bodies and organisations were consulted, including those on a database of residents and organisations who had been consulted on previous policy matters as well as the two universities. The consultation also included landlords and various bodies and agents involved in the letting and management of accommodation targeted at students. A specific presentation for landlords of student accommodation with a Q&A session was undertaken in August 2020 using the Lancaster University Student Homes Webinar.
15. Some 97 separate responses were received with 49 of these relating to the proposal to introduce the Regulation 7 Direction. All 49 of those responding to this proposal expressed support for the introduction of the Direction and no objections were received. There was a general consensus that the uncontrolled display of letting boards adversely affects the appearance and reputation of many streets and that they are visually detrimental. Two local councillors advised that the prolonged display of letting boards is a common cause of complaint by local

³ Paragraph 042 – Reference ID:18b-042-20140306

residents. Some respondents commented that their year-round display serves to enforce harmful and negative perceptions of students in the City.

16. Support for the proposed Direction was received from Lancaster University, Lancaster City Centre Residents Association and Lancaster Vision. Many people commented that letting boards are no longer needed as most students now search for accommodation online. Lancaster University Students Union advised that students overwhelmingly find accommodation online, with only 3% of students responding to its survey advising that they were influenced by letting boards. The Students Union agreed that it may be beneficial to restrict letting boards across the district. The one HMO landlord who responded (Green Door Lets) expressed support for the banning of letting boards provided that these could be displayed in windows and that 'For Sale' boards are not affected by the Direction.
17. A number of respondents made suggestions about possible amendments to the draft proposal that was consulted on. These suggestions have been considered by the Council in finalising the details of the Direction that is now sought. Key amongst these changes or refinements to the proposal are:

Area of Coverage

Having considered the consultation responses, the Council has extended the area that would be covered by the Direction to include the Marsh and Scotforth East wards. This will ensure that most of the wards south of the river are included and will provide clarity as to the area covered by the Direction. The Council has resisted suggestions that the Direction be City-wide and that it should include University Ward, as most of the student accommodation in that ward is located on the University campus.

Limiting the Direction to Letting Boards

The Council has agreed that the Direction should remove deemed consent for display of advertisements for the letting of residential properties only, as it is the proliferation of these advertisements that is of concern. The additional controls would not, therefore, apply to 'For Sale' signs for residential properties or letting boards on commercial premises or land.

Signs in Windows

Class 12 of the 2007 Regulations grants deemed consent for the display of signs within buildings including signs advertising rooms or buildings to let. The Council has agreed that the proposed Direction would not remove deemed consent for the display of 'To Let' signs in the windows of residential properties.

Responses to Formal Notification

18. The Council published notice of the proposal it had submitted to the Secretary of State in the first week of November 2020. This requested interested parties to submit representations about the proposed Direction by 4 December 2020. A total of 16 representations were received, none of which objected to the making of the Direction.

19. The majority of these representations are from Lancaster residents. All are supportive of additional controls on the display of letting boards, with some expressing the view that such controls should be brought in as soon as possible. Some respondents refer to there being a '*proliferation*' or '*abundance*' of letting boards in many of the residential streets in South Lancaster and variously describe these as making these streets '*unsightly*', a '*total mess*', '*scruffy*' and '*untidy*'. Some say that the proliferation of letting boards give streets an air of neglect or desolation and that this has an unsettling effect on the local community. They also suggest that, by signalling individual streets as having a large student population, a proliferation of such boards can serve to discourage families and other occupiers from moving into those streets. A local councillor confirmed that residents regularly complain about signs being up year round and commented that an abundance of letting boards can mark out student accommodation to potential burglars.
20. These responses indicate that the adverse impact on visual amenity is intensified at the peak times when students are looking for accommodation for their next academic year and when a large number of signs appear in very many streets. However, a high proportion of the respondents state that letting boards, including many marked '*Now Let*' are left in place for long periods and, sometimes, on an almost permanent basis. One respondent comments that the signs are large and use garish colours designed to attract attention. A number of the representations also express the concern that estate and letting agents use letting boards as a form of advertising rather than solely or mainly to identify properties that are currently available for rental.
21. These responses, together with those to the Council's informal consultation, reveal a high level of agreement that the introduction of additional controls on the display of letting boards would bring a significant improvement in the visual amenity, character and appearance of those parts of the City where HMOs are prevalent. One respondent notes that there are many beautiful buildings in the City and that the appreciation of that heritage that people would otherwise enjoy is marred by the proliferation of such boards in some parts of the City.
22. Only one representation was received from a local sales and letting agent, (Northwood (Lancaster) Ltd). This notes that large numbers of letting boards can create an eyesore and accepts the reasons why the Council is seeking to control these. The representation seeks to make a distinction between the practices of traditional estate agents and those of student housing and letting agencies. Northwood Ltd consider '*To Let*' boards to be an important property marketing tool and state that they remove these promptly once a new tenant moves in. In their view, many of the student letting agencies use letting boards as a form of company advertising by leaving these in place all year and seek to elevate their position in the marketplace by having more boards than their rivals.
23. For these reasons, Northwood Ltd propose that the restriction should apply only to letting boards for student accommodation and not to boards used to advertise other residential property for rental. I sought the Council's views on this suggestion and received its written comments in an email to the Planning Inspectorate Case Officer, dated 3 March 2021.

24. The Council states that, due to the way Class 3A in the 2007 Regulations is worded, the Direction could not differentiate between letting boards for student accommodation and those for other (non-student) accommodation. Even if this was possible, such a differentiation would be problematic because it would not be apparent, on viewing a letting board, what form of accommodation it relates to. Given the number of letting boards on display this would add considerably to the resources needed by the Council to implement and enforce the Direction. The Council advises that the scope of the proposed Direction has already been narrowed to apply to residential lettings only, in line with the approach taken by other local planning authorities.

Inspector's Reasoning

25. I have considered all of the background information provided by the Council and the representations made, both in response to the Council's informal consultation and those submitted following the publication of the formal notice of the Council's proposal to the Secretary of State. Although the number of representations received is not particularly large, it is notable that no substantive objection to the proposal to introduce additional controls on letting boards in the City was submitted at either stage. I carried out a full day site visit to Lancaster in which I visited all of the wards that would be covered by the proposed Regulation 7 Direction. This visit was focused on those areas within each ward where terraced housing is the predominant housing type and I inspected more than 50 streets across the six wards.

26. The Council advises, in its Background Paper, that there is a peak period each year for the marketing and letting of student housing when the proliferation of letting boards is at its greatest. This falls between the start of the Autumn term and Christmas, when students newly arrived in Lancaster start looking for privately rented accommodation for their second academic year. As I was not appointed in respect of this case until February 2021, it was not possible for me to see the situation at that time of year. I am also conscious that the current academic year is not a typical one in that large numbers of students have remained at, or may have returned to, their family homes whilst most learning is carried out online because of Coronavirus restrictions.

27. These circumstances mean that I have not been able to assess the situation in what might be described as normal times and allowance has to be made for that. The fact that very many of Lancaster's students are not currently in Lancaster might possibly be expected to have resulted in an increased usage of online marketing of accommodation and less reliance on the use of lettings boards than in previous years. The likelihood that much smaller numbers of students than in previous years have been walking the streets looking for accommodation might also be expected to have reduced the need for letting boards to be kept in place once a tenancy has been secured.

28. The six electoral wards that I inspected cover most of the City Council's administrative area that lies to the south of the River Lune. These include the City Centre and the inner urban area around the Centre, but also extend into areas of less dense housing further to the south. As noted by the Council, many of the City's conservation areas and other designated heritage assets are located within these wards. I saw that they include many fine buildings and open spaces.

- I also observed that the majority of the streets that I inspected are comprised of residential terraces of traditional stone and slate construction with relatively little alteration to their façades or roofs. It is, therefore, fair to conclude that many of these streets make a positive contribution to the historic character of the City.
29. Only 3 of the 56 streets I visited had no letting boards on display and the vast majority had more than one such board. Although numbers were in single figures in most streets, I saw as many as 10, 17 and even 25 such boards displayed in a single street. On their own, these observations serve to identify that the issue of proliferation directly arises from the concentration of HMOs in these wards since such numbers and concentrations of letting boards would be unlikely to occur in areas without a significant proportion of HMOs.
 30. My observations on my site visit support those of one of the respondents to the notification of the proposed Direction that very many of these letting boards are brightly coloured and can be seen from a significant distance. The common practice of fixing them at right angles to the building façade, either above the front door or at first floor window level, increases their visibility in the street scene to a considerable degree. In those streets where houses are sited at the back of the pavement, where the frontages to each house are typically narrow (of say 4-5 metres in width), I saw that even a small number of letting boards can become a dominant feature in the street scene and lead to visual clutter.
 31. In those streets where I observed the greatest number of letting boards, the effect was very much in line with that indicated in the photographs within the appendices to the Council's Background Paper. Although those photographs were taken in November 2019, during the peak marketing period for student accommodation, the scene on Prospect Street at the time of my visit was little different to that depicted on pages 14 and 15 of Appendix 1 to the Background Paper. Those and the other photographs within the appendices give a fair representation of how the proliferation of such boards can become dominant in the street scene. Based on my observations, I agree with the Council that, when a large number letting boards are displayed within a single street, this results in visual clutter and has a significant detrimental effect on the visual amenity of that street.
 32. The problem is, however, greater than the effect on any single street. This is because most of the streets with predominantly terraced housing are clustered together, in both small and larger pockets within each of the wards. Although the number of letting boards might vary from street to street, it is impossible to walk or drive around these areas without being aware of the presence of such boards as a significant visual feature of the locality. I have no doubt that the abundance of letting boards within a cluster of terraced streets serves to mark that area out as one with a significant student population.
 33. Importantly, my observations support the Council's concerns that the letting agencies do not remove signs promptly once a tenancy has been agreed, as is required by the conditions that apply to deemed advertisement consent under Schedule 3, Part 1 Class 3A of the 2007 Regulations. My assessment is that more than half (57%) of the letting boards I saw were marked with 'Let Agreed', 'Now Let' or a similar wording. There were also a small number of boards which did no more than advertise the name of the company or agency that manages the

- property, while giving no indication that it was currently available to let. Based on the written evidence and what I observed on my site visit, it is fair to conclude that some letting agencies are using letting boards to gain publicity for their company's involvement in the letting and management of student accommodation.
34. The unnecessary retention of boards on houses that have already been let means that there are more letting boards on display than are actually needed. Based on my observations, it is possible that the number of boards displayed at any one time is more than twice the number of properties that are available for rental. If this practice is so widely adopted at the present time, when so few students are likely to be actually visiting these streets in their search for accommodation for the next academic year, it seems reasonable to conclude that the long term retention of letting boards is a persistent problem across all of these wards.
 35. This trend of keeping boards in place for many weeks or months clearly adds to the problems of visual clutter and helps to create a significant adverse effect on the amenity of many streets and clusters of terraced housing in these wards. It is understandable that the long term retention of letting boards is a regular cause of complaint to local councillors and that many local people consider that they lead to a sense of desolation in their area.
 36. Accordingly, I conclude 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 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. It would also be consistent with Policies DM37 to DM41 which seek to ensure that the district's heritage is protected or enhanced.
 37. I have seen no evidence about the incidence of burglaries in the areas with a high proportion of HMOs. However, I accept that the long term display of large numbers of letting boards is likely to mark an area out as one with a transient student population and may discourage some non-student households from seeking to rent or buy homes in that area.
 38. The area that would be covered by the Direction represents a significant part of the Council's administrative area. However, Lancaster differs from many university towns and cities in having one campus (the University of Cumbria) located on the edge of the inner urban area, at Coulston Road in John O'Gaunt Ward, and another (Lancaster University) on the outer fringes of the City close to the village of Galgate.
 39. The strong influence of the University of Cumbria campus can be seen in the high concentration of HMOs in John O'Gaunt ward. I saw on my site visit that there was an abundance of letting boards on Coulston Road and other streets in this ward. As Lancaster University students who choose to live in the centre of Lancaster have to travel to and from the campus anyway, it is possible that they are more flexible about which ward they live in. The location of Lancaster University's campus appears also to have resulted in the conversion of houses to

HMOs in areas of less dense housing further from the City Centre, including within the Scotforth West and Scotforth East wards.

40. Taking those factors into account, I do not consider that the geographical spread of the area that would be subject to the Direction is excessive. I am 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. However, 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.
41. If the Direction is to be effective in controlling the display of letting boards and reducing the existing adverse visual and amenity impacts to a significant degree, its application will need to be clearly defined and easily understood. Adopting an area that covers the full extent of these six, adjoining wards would help to achieve those objectives. The area of coverage would be simply defined by reference to the six ward names and the boundaries of the wards could easily be checked by anyone with access to the Council's website. In my judgement, this would add clarity to the geographical scope of the Direction and enable the area to which it applies easily to be understood by all those who might wish to display a letting board.
42. Defining the area affected by the Direction by reference to these six wards would also assist the Council in its monitoring of compliance with the additional controls. It would enable local residents easily to find out whether their street is in the Regulation 7 Direction area so that they could report potential breaches to the Council. It would also enable the Council quickly to filter out any reported breaches that are not within the affected area.
43. I note the concerns raised by one local estate agency that the existing problems stem largely from the marketing of student accommodation rather than of rental accommodation targeted at other sectors of the population. I agree that the Direction could cause some disadvantage to agents who have no involvement in the letting of student accommodation. However, the Council is correct to say that Class 3A does not distinguish between different forms of residential letting and that it would not be practical to make such a differentiation within the Direction. To do so would undoubtedly lead to confusion and make it more difficult for the Council to monitor and enforce the Direction. Although it may cause a degree of disadvantage to some local agents, the Direction would not prevent the display of letting boards altogether and no fee would be required when making an application for express consent for these.
44. There is good evidence to suggest that students are increasingly searching for and securing accommodation online, including through the use of online viewing tools. If this trend continues, as seems likely, landlords and letting agents can in the future be expected to place less reliance on the physical display of letting boards on rental properties that they are marketing. If that does prove to be the case, it is possible that the need for the Direction will reduce over time. It is, therefore, appropriate that the Direction should be put in place for a specified rather than an unlimited period. I consider that 5 years is a reasonable period for

the additional controls to become established and for the Council to undertake a meaningful review of the effectiveness of their operation.

Conclusions

45. The Council's evidence clearly demonstrates that those parts of Lancaster with a significant proportion of HMOs are currently experiencing a proliferation of letting boards and that a significant proportion of those boards are left in place for many months and, in some cases on an almost year-round basis. That evidence is supported by the consultation responses to the Council's proposal to apply for a Regulation 7 Direction and by what I observed on my site visit. The evidence also demonstrates that the proliferation of letting boards leads to visual clutter in very many of the streets in the six wards and that this has a significant adverse effect on the character and amenity of large parts of those wards. The adverse effect on character is more marked because many of Lancaster's heritage assets are located within these wards.
46. Taking those factors into account I conclude 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.
47. For the reasons set out above, I find that the area proposed to be subject to the additional controls has been defined on a sound and rational basis, having regard to the geographical extent of the existing problems, and will enable the Direction to be applied in a transparent and effective manner. I also find that 5 years is an appropriate period for the Direction to be in force before its operation is reviewed by the Council.

Recommendations

48. I recommend that the Secretary of State should make the Regulation 7 Direction in the form proposed by the City Council and that it should cover the full extent of the six electoral wards as indicated on the plan submitted by the Council.
49. The Direction should initially apply for 5 years. 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.

Paul Singleton

INSPECTOR