

Planning Guidance (Wales), Technical Advice Note (Wales) 7, Outdoor Advertisement Control - November 1996

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Introduction

1. This Technical Advice Note (Wales) (TAN) should be read in conjunction with "Planning Guidance (Wales): Planning Policy". Planning Guidance, Technical Advice Notes and circulars should be taken into account by local planning authorities in Wales in the preparation of development plans. They may be material to decisions on individual planning applications and will be taken into account by the Secretary of State and his Inspectors in the determination of called-in planning applications and appeals.

2. Documents listed in the Reference column in the margin provide information which should be read in conjunction with the TAN.

Reference
Welsh Office
Circular 14/92
Town and Country
Planning (Control
of Advertisements)
Regulations 1992

Welsh Office
Circular 70/94
Town and Country
Planning (Control

3. The control regime specified by the Secretary of State enables local planning authorities to control virtually all outdoor advertisements in the interests of amenity and public safety. Some types of advertisement are exempted from detailed control, other specified categories of advertisement qualify for deemed consent, provided they conform to the stated conditions and limitations for each category.

*of Advertisements)
(Amendment)
Regulations 1994
The Town and
Country Planning
(Control of
Advertisements)
Regulations 1992
(SI No 1992/666)*

*"Outdoor
Advertisements and
Signs - A Guide for
Advertisers" DOE
and Welsh Office,
1995*

The Role of Guidance on Design

4. Local planning authorities may produce design guidance on outdoor advertisements and shop-fronts, especially for conservation areas or where vernacular buildings play an important part in the appearance of a neighbourhood. Such guidance needs to recognise the importance of advertisements to the national economy and should not stifle original designs or new display techniques.

5. Designers should be prepared to compromise on matters of corporate design where it is unsuitable in a particular area, but corporate designs should not be refused simply because a local planning authority dislikes the design.

*Technical Advice
Note (Wales) 4
Retailing and Town
Centres, 1996*

Criteria for Dealing with Advertisement Applications

6. The general approach to dealing with advertisement applications is similar to the process of dealing with planning applications but with two important differences. First, the display of outdoor advertisements can only be controlled in the interests of amenity and public safety. Second, it is accepted that (with one minor exception in Areas of Special Control, where an applicant needs to show a reasonable requirement for an advertisement) anyone proposing to display an advertisement needs that advertisement in that particular location, whether for commercial or other reasons.

*TCP (Control of
Advertisements)
Regulations, 1992,
Regulation 19(2)(b)*

Consideration of Amenity

7. Businesses located in the countryside expect to be able to advertise their whereabouts, especially to visitors, but care should be taken to ensure that signs are designed and sited to harmonise with their setting, and that a proliferation of individually acceptable advertisements does not spoil the appearance of open countryside. Wherever practicable, businesses in the same general location, or in by-passed communities, should be encouraged to combine their

*Planning Guidance
(Wales): Planning
Policy, 1996,
paragraph 195*

essential advertising needs so as to avoid a proliferation of advance signs. By-passed communities may wish to consider whether an officially approved highway sign can be produced to meet the needs of the whole community.

8. When it is appropriate to consider how brightly advertisements should be illuminated, local planning authorities should have regard to available guidance.

9. Guidance on large poster hoardings is included in the Annex to this note.

Considerations of Public Safety

10. In assessing an advertisement's impact on public safety, local planning authorities should have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, and in the air, including the likely behaviour of vehicle drivers who will see the advertisement, possible confusion with any traffic sign or other signal, and possible interference with a navigation light or an aerial beacon.

11. When considering public safety factors, local planning authorities should consult other relevant organisations such as the highway authority who have an interest.

Advertisement Control Policies

12. Development plan policies, controlling outdoor advertisements in areas or parts of areas where the display of poorly designed advertisements will be especially harmful, will be a material factor in considering an advertisement application. Development plans should give clear guidance to prospective advertisers on the likely acceptability of their proposals and provide a basis for rational and consistent decisions on advertisement applications. Even though advertisement control policies or design guidance may have been formulated having regard to matters of amenity and public safety, references to these policies and guidance cannot by themselves be the decisive factor in determining whether an advertisement is to be permitted. It will always be necessary to assess the specific amenity and public safety merits of the proposed advertisement display in relation to the particular application site.

Reasons for Advertisement Control Decisions

13. Local planning authorities should give reasons which are complete, precise, clear, specific and relevant to the particular application for any advertisement control refusal.

*The Institute of
Lighting Engineers
Technical Report
Number 5 (Second
Edition) available
from the Institute of
Lighting Engineers,
Lennox House,
9 Lawford Road,
Rugby, CV21 2DZ*

*Welsh Office
Circular 14/92,
Annex, Appendix B*

*Planning Guidance
(Wales): Planning
Policy, 1996,
paragraph 194*

They should set out why an advertisement proposal is contrary to the interests of amenity, or prejudicial to public safety, **at the particular site.**

Advertisement Control Conditions

14. When an advertisement to which the 1992 Regulations apply does not qualify for deemed consent, an application must be made to the local planning authority for express consent. The Regulations also provide for the grant of consent subject to such additional conditions as they think fit. Use of this power may enable the local planning authority to allow an advertisement proposal which would otherwise have been refused. All outdoor advertisements are required to comply with the 5 standard conditions imposed by the 1992 Regulations.

15. When local planning authorities are granting planning permission for development which happens to include advertisement features, they should not seek to impose conditions relating to advertisements, particularly where the condition purports to limit, or remove, the benefit of any deemed consent for the display of an advertisement granted by the Secretary of State, by virtue of the provisions of Regulation 6.

Advertisements in Conservation Areas

16. Where an area is designated as a conservation area '... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area' in the exercise of any of the provisions of the Planning Acts. This includes the control of outdoor advertisements.

17. The designation of a conservation area does not, of itself, necessarily justify it being defined as an Area of Special Control of Advertisements. Many conservation areas are thriving commercial centres where the normal range of advertisements on commercial premises may be expected, provided they do not detract from visual amenity. Local planning authorities should use advertisement controls flexibly in such areas, so as to conserve or enhance particular features of architectural or historic interest.

Listed Buildings and Ancient Monuments

18. Almost all advertisements on listed buildings or scheduled monuments will constitute an alteration to the building or the monument and, therefore, require listed

TCP (Control of Advertisements) Regulations, 1992, Regulation 13

Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72(1) Welsh Office Circular, Planning and the Historic Environment: Historic Buildings and Conservation Areas, 1996

Welsh Office Circular, Planning and the Historic

building or scheduled monument consent in addition to any advertisement consent. Special care is essential to ensure that any advertisement displayed on, or close to, a listed building or scheduled monument does not detract from the integrity of the building's design, historical character or structure, and does not spoil or compromise its setting.

***Environment:
Historic Buildings
and Conservation
Areas, 1996***

***Welsh Office
Circular, Planning
and the Historic
Environment:
Archaeology and
Planning, 1996***

Designated Areas and Areas of Special Control of Advertisements

19. In National Parks, Areas of Outstanding Natural Beauty and conservation areas, stricter controls usually apply to the display of advertisements which do not require the local planning authority's express consent. Applications for express consent also need to be closely scrutinised to ensure that the proposals do not compromise the aims of an area's designation.

20. Stricter advertisement controls apply in Areas of Special Control of Advertisements. There is a lower maximum height limit, and a smaller maximum size of letters or characters, on all advertisements displayed with deemed consent. Some classes of advertisement, in particular general poster hoardings, may not be displayed at all.

***TCP (Control of
Advertisements)
Regulations, 1992,
Regulation 19***

21. Before approving an order for an Area of Special Control of Advertisement, a degree of special protection, on grounds of amenity, must be justified. The decisive consideration is whether a stricter degree of control is essential, **in addition to the local planning authority's normal powers of control (including discontinuance notices)**, to preclude the display of advertisements which would otherwise be permitted.

Designation as a conservation area, although it may not be decisive, will be a material factor: the degree of rurality of an area will also be a material factor to be taken into account. Before proposing an Area of Special Control, the local planning authority is expected to consult local trade and amenity organisations. If an order is approved, the local planning authority is required to review it at, at least, 5 yearly intervals, taking account of changes which may have occurred in the locality meantime.

***TCP (Control of
Advertisements)
Regulations, 1992,
Regulation 18***

***Welsh Office
Circular 14/92
Town and Country
Planning (Control
of Advertisements)
Regulations 1992***

The Secretary of State's Direction-Making Power

22. The Secretary of State can, subject to prior consideration of any objections, make a statutory direction which effectively removes the benefit of deemed consent

***TCP (Control of
Advertisements)
Regulations, 1992,***

Regulation 7

provisions for any of the particular classes of advertisement specified in Schedule 3 to the 1992 Regulations (except for 3 minor exceptions) in a defined area, or a particular place, either for a limited period or indefinitely, in response to a proposal by a local planning authority. Before a direction is made, the local planning authority will have to show that it would improve visual amenity and that there is no other effective way of controlling the display of that particular Class of advertisement. As part of this process, local planning authorities will be asked to submit a fully reasoned statement showing that the particular deemed consent provisions are environmentally unsatisfactory in the area or place for which the direction is proposed: dealing with the adverse effects on visual amenity; describing the remedial steps already taken to minimise these effects; giving details of prosecutions for any illegal displays; and assessing the likely consequences of making the direction. The comments of organisations and individuals, whose interests would be affected by the making of a direction, should be sought as part of the process of deciding whether a direction is appropriate.

The Power to Discontinue Deemed Consent Advertisements

23. The right to display specified classes of advertisement with deemed consent is subject to the local planning authority's discretion to issue a discontinuance notice requiring an advertisement display, or the use of an advertisement site, to stop. This discretionary power may be used only where the local planning authority consider that an advertisement, or the use of an advertisement site, is causing substantial injury to amenity or endangering public safety.

24. There is a right of appeal to the Secretary of State against a discontinuance notice. The Secretary of State will consider whether the notice is necessary to remedy a substantial injury to amenity or a danger to members of the public, and take into account any evidence that the local planning authority has acted in the light of a well-formulated advertisement control policy.

Operation of the Advertisement Control System

25. Where nothing more is required than a fascia sign or free-standing signboard, it is essential that an owner or occupier can obtain a quick decision about the acceptability of proposals. This is especially important for small businesses, which need to establish their identity quickly and often cannot afford the time and resources involved in submitting a range of advertisement options for the local planning authority's assessment. The decision-making process can be speeded up by a willingness on the part of local planning authorities to delegate decisions on

TCP (Control of Advertisements) Regulations, 1992, Regulation 8

advertisement control matters to suitably qualified officers.

Appeals to the Secretary of State

26. Advertisement appeals are decided by the Secretary of State whose aim is to issue his decision on an appeal within 15 weeks of receiving it in 80% of cases.

Cancellation

27. The Annex to Planning Policy Guidance note 19, 'Outdoor Advertisement Control', is cancelled.

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