



## Report

Date: 27<sup>th</sup> September 2023  
Meeting: Town Council Planning Committee – 3<sup>rd</sup> October 2023

### The Advertising Control Regime

Report and update provided by Councillor D Cooper – Chair

#### Agenda item: 10. Town Centre, Shop Fronts and Signage

The purpose of this report is to provide a brief summary of the mechanism by which the display of advertisements is controlled.

The definition of what might constitute an advertisement is very broad - generally signage, but also including things like flying flags, balloons, signs on vehicles or aircraft, projected adverts etc. Some advertisements may require changes to a building or the creation of structures: those aspects are subject to the usual planning regime and may be permitted development (restricted where there is an Article 4 Direction in place, as in the Bridgnorth Conservation Area), require planning permission, or require Listed Building Consent. However, there is a separate regime regulating the display of the advertisements themselves. In some circumstances, there may be a requirement for advertisement consent separate from any planning or Listed Building consent required. Details of what is required are set out in The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ("The Regulations").

The regulations set out 3 broad categories of advertising consent which may apply, each if which is subject to conditions.

#### Adverts which do not require consent, subject to conditions

These are set out in schedule 1 to the regulations, which also sets out the conditions applying to each. There are also over-riding conditions about preserving public safety and not being detrimental to visual amenity. Main types are:

- Adverts entirely within "enclosed land" and not visible from the public realm
- Adverts on moving vehicles
- Adverts contained within the fabric of a building (e.g. etched into the facade of a building)
- Adverts displayed on an article for sale
- Advertisements relating to an election during an election period
- National or local flags
- Non illuminated adverts displayed within a building and not visible from outside it.



## Deemed Consent

A variety of adverts have “deemed consent”, and no application is required to the local planning authority. Schedule 3 of the Regulations lists 16 categories. Some of these may not commonly be thought of as “advertising” – e.g. flags flown, Neighbourhood Watch signs. Key ones are:

- Class 2 (the display of business names or identification of non-business premises on the premises themselves)
- Class 4 (Illuminated advertisements on business premises)
- Class 5 (other adverts on business premises).

These are subject to limitations such as the size of the advertisement and of the lettering, the number which can be displayed, the height above ground, whether they are displayed on a frontage which include a shop window etc. Illuminated adverts in Conservation Areas do not generally benefit from deemed consent, with exceptions for medical and veterinary premises and pharmacies.

Some geographical areas can be designated as Areas of Special Control (by the local planning authority, with the Secretary of State’s agreement); the main effect of this is that some types of advert (e.g. hoardings, illuminated adverts on business premises) cannot be displayed at all (even with express consent) – but of the examples above Class 2 and Class 5 can be displayed in areas of special control. There is also a procedure by which the Secretary of State may make a Direction (at the request of the local planning authority) withdrawing one or more classes of Deemed Consent for an area; the effect of this is that an application for Express Consent would be required to display those classes of advertisement. [At the time of writing this report, we are attempting to clarify what restrictions are in force in the Bridgnorth area].

Local planning authorities have the power under Regulation 8 to serve a notice requiring the discontinuance of adverts displayed through deemed consent *“to remedy a substantial injury to the amenity of the locality or a danger to members of the public”*.

## Express Consent

Where specific consent is required, the only factors the Planning Authority is allowed to take into account are public amenity and public safety. The planning authority is not allowed to place any limitation or restriction relating to the subject matter, content or design of what is to be displayed, unless it is required in the interests of amenity or public safety (Regulation 3). Consent is temporary, the default is for 5 years unless the planning authority decides on some other time period (Regulation 14).

## END OF REPORT

The full text of the regulations (62 pages) can be found at <https://www.legislation.gov.uk/ukxi/2007/783/contents/made>