

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
REGULATIONS 1992
CHARNWOOD BOROUGH COUNCIL**

Whereas the First Secretary of State for the Office of the Deputy Prime Minister (hereinafter referred to as 'the Secretary of State') has had representations made to him by Charnwood Borough Council, as the local planning authority, that the display of advertisements specified in Class 3A of Schedule 3, Part I, of the Town and Country Planning (Control of Advertisements) Regulations 1992 (hereinafter referred to as the 'Regulations') should not be undertaken in the Storer Road Area designated by the Council under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, without express consent granted under the Regulations.

And whereas the proposals have been publicly advertised and representations made to, and duly considered by, the Secretary of State in accordance with the provisions of Regulation 7 (5) of the Regulations.

Now therefore the Secretary of State, in the pursuance of the powers conferred on him by Regulation 7 of the Regulations, hereby directs that the provisions of Regulation 6 of the Regulations shall not apply to the display of advertisements specified in the Schedule to this Direction and shown more particularly in the plans annexed hereto.

This Direction shall have effect for five years from the date on which it comes into force in accordance with the provisions of Regulation 7 (7) of the Regulations.

Schedule

This Direction relates to the display of letting boards under Class 3A to Schedule 3 in the Storer Road Area as shown on the annexed plan.

Dated this 19 day of July 2004



Alison Bowerbank
Head of Branch
In the Office of the Deputy Prime Minister

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT**

CHARNWOOD BOROUGH COUNCIL

The Secretary of State for Communities and Local Government (the "Secretary of State") has had a proposal made to him by Charnwood Borough Council, as the local planning authority, that deemed consent for the display of advertisements relating to the letting of premises as specified in Class 3A of Schedule 3, Part 1, to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the "Regulations") should be withdrawn in the Storer Road area of the Ashby Road Conservation area in Loughborough.

The proposal has been publicly advertised by the Secretary of State in accordance with the provisions of the Regulations.

Having considered the proposal, the Secretary of State in the pursuance of the powers conferred on him by the Regulations, hereby directs that the provisions of the Regulations shall not apply to the display of advertisements specified in the Schedule to this Direction in the area delineated in red on the plan, annexed hereto.

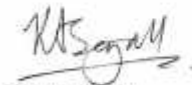
This Direction shall have effect for a period of five years from the date on which it comes into force in accordance with the provisions of the Regulations.

Schedule

This Direction relates to the display of advertisements under Class 3A in Part 1 of Schedule 3 to the Regulations in the Storer Road area of the Ashby Road Conservation area in Loughborough as delineated in red on the annexed plan.

The reasons for the Secretary of State's decision are set out in his letter of 16 February 2010 to the Council, a copy of which is attached.

Dated 16 February 2010



Robert Segall
Head of Branch
Department for Communities and Local Government
Authorised by the Secretary of State to sign on that behalf



Department for
Communities and
Local Government

Richard Bennett
Head of Planning and Regeneration
Charnwood Borough Council
Southfield Road
Loughborough
Leicestershire LL11 2TN

Our Ref: APP/ADCPO/X2410/016

Your Ref:

22 December 2016

Dear Mr Bennett,

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

1. I have been asked by the Secretary of State to respond to the request made by Charnwood Borough Council ("the Council") on 7 December 2015 for a Direction that deemed consent for the display of estate agents' letting boards, which are advertisements, under Class 3A of Part 1 of Schedule 3 to the Regulations should not apply within the proposed area.
2. The Council published a notice in the local press and in the London Gazette on the 9 and 11 December 2015, respectively. There were no objections to the proposed Direction and one representation was received in support from the Storer and Ashby Area Residents Group (SARG).
3. The Inspector noted that the Council omitted some properties and 2 roads that fall within the red line map (see reference in paragraph 4) from a list of addresses affected in advertising this Direction. The Inspector, however, noted that the list on the advertisement did not claim to be exhaustive, as it said the area affected "*would include*" the addresses then given, while the advertisement drew attention to a large site plan indicating the total area affected that was in the Council offices. Also, the Direction applied for was broadly intended to be a renewal of a previous Direction and given these circumstances the Inspector considered that the omission of some addresses did not render the advertising inadequate.

The Proposed Area

4. The Direction would cover an area known as the Storer Road area. It is a tight grid of streets which mainly forms the northern part of the Ashby Road

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Conservation Area; however, the area also includes a few properties on the north side that lie outside the conservation area. The area is identified on a red line plan attached ("the Area").

The Council's reasons for seeking the Direction

5. The Council seek a further Direction, as the Direction made in 2010 expired in July 2015.
6. The restrictions sought under a new Direction are the same as before, and the Council has requested that the proposed new Direction remains in place for five years.

Description of Proposed Area

7. The Area has been subject to development over the years, but many of its buildings still display detailing and a form that reflect their age and status. The Area retains the character of a Victorian residential suburb and maintains its significance as a heritage asset.
8. The Inspector in his report noted that from his observations it seems that a high percentage of the properties in the Area are used as shared houses, as flats or for multiple occupation.
9. In its representation, SARG were of the view that in the Storer and Burleigh neighbourhoods of Loughborough approximately 50% of properties are owned by landlords. The Inspector noted only one letting board when he visited the Area and was of the view that it is fair to assume this current level of limited advertising is a consequence of the near continuous presence of Directions from 2004 to 2015.

Appraisal

10. The Inspector stated that if a new Direction is not imposed, given the relatively high density of housing, number of rented units and the arrival of new student tenants each year, many letting boards are likely to reappear. This would result in the streets acquiring a cluttered appearance that would undermine the existing historic character of the area and cause harm to the significance of this designated heritage asset.
11. The Area also includes some housing that lies next to, but outside the conservation area. The Inspector found that the relationship means it is not unreasonable to assume that an excess of letting boards on those houses would cause harm to the conservation area, and so had no objection to them also being included.

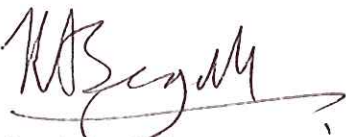
Formal Decision

12. The Secretary of State notes the Inspector's consideration of the issues and accepts his recommendation. The Secretary of State is satisfied that the Area has a special historical quality which can only be preserved by removing deemed consent rights for the display of estate agents' letting boards.
13. The Area is close to a university, and is a popular source of rented accommodation for students. It is, therefore, the Council's concern that, given the numerous rented properties, the absence of appropriate control could result in an excessive number of letting boards appearing throughout the area that would visually dominate the streetscape and so cause harm to its historic significance direction improve visual amenity. And, that there is no other way of effectively controlling the display of letting boards other than by making a new Direction to relating to the letting of premises within the Area identified on the map submitted by the Council for a period of five years.
14. A formal Direction is attached. The Council's attention is drawn to the provisions at regulation 7(7), which specify the procedure for publishing a notice of the making of the Direction.
15. When this Direction comes into force, the display of estate agents' letting boards in respect of the letting of premises may only be undertaken lawfully in the Area specified in paragraph 3 above, when the Council have granted express consent for the display. In order not to prejudice the interests of persons wishing to display advertisements for property lettings, the Council are invited to make sure that any such applications for express consent are decided within the period specified in regulation 16(1) of the Regulations.

Right of Appeal against the Decision

16. 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,



Robert Segall

CHALLENGE TO THE SECRETARY OF STATE'S DECISION BY APPLICATION TO THE HIGH COURT

Under the provisions of section 288 of the Town and Country Planning Act 1990 ("the 1990 Act") a person aggrieved by the decision given in the accompanying letter may challenge its validity by applying to the High Court. An application may not be made without permission of the High Court, and an application for leave must be made within 6 weeks from the date of the accompanying letter.

Grounds of challenge

The grounds upon which an application may be made to the Court under section 288 are:

- that the decision is not within the powers of the 1990 Act (that is, the Secretary of State has exceeded his powers); or
- that any of the relevant requirements have not been complied with, and in consequence the applicant's interests have been substantially prejudiced by the failure to comply with the provisions.

The "relevant requirements" are defined in section 288 of the 1990 Act as:

- any requirements of the 1990 Act or the Tribunals and Inquiries Act 1992, or
- of any order, regulations or rules made under either of those Acts which are applicable (s.288(9)). These include the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (SI 2007 No. 783), as amended, and the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (SI 2000 No. 1624), as amended.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

INSPECTION OF DOCUMENTS – APPLICABLE ONLY TO APPEALS WHICH WERE THE SUBJECT OF A HEARING

Under rule 15(4) to (5) of the Town and Country Planning (Hearings Procedure) (England) Rules 2000 (SI 2000 No. 1626) any person entitled to be notified of the decision given in this letter may apply to the Secretary of State in writing within 6 weeks of the date of the decision for the opportunity to inspect any documents appended to the report.

An application under this rule should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter.

An opportunity is taken to have been afforded if the person is notified of the publication of the relevant documents on a website, the address of the website, the place on the website where the documents may be accessed and how they may be accessed.

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DIRECTION BY THE SECRETARY OF STATE UNDER REGULATION 7 OF THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007 RESTRICTING DEEMED CONSENT IN CHARNWOOD BOROUGH COUNCIL'S STORER ROAD AREA (No. 06/2016)

The Secretary of State for Communities and Local Government ("the Secretary of State") in exercise of powers conferred on him by regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ("the Regulations"), and further to a proposal from Charnwood Borough Council ("the Council"), directs that:

1. The display of advertisements relating to the letting of premises, as specified in Class 3A of Part 1 of Schedule 3 to the Regulations should not be undertaken without the express consent of the Council in the areas specified in the Schedule, and identified on the map annexed to this direction.

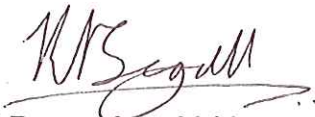
Duration

2. This direction has effect for a period of five years from the date on which it comes into force. In accordance with regulation 7(9) of the Regulations this direction comes into force on the date specified in the notice given under regulation 7(7) of those Regulations.

Reasons

3. The Council made a proposal dated 7 December 2015 to the Secretary of State and he is satisfied that this direction should be issued.
4. The reasons for the Secretary of State's decision are set out in his letter of 22 December 2016 to the Council, a copy of which is attached to this direction.
5. The Council's proposal was publicly advertised in accordance with regulations 7(2)(a) and 7(3) of the Regulations; one representation in support of a Direction was made to the Secretary of State within 21 days from the date on which the notice was first published.

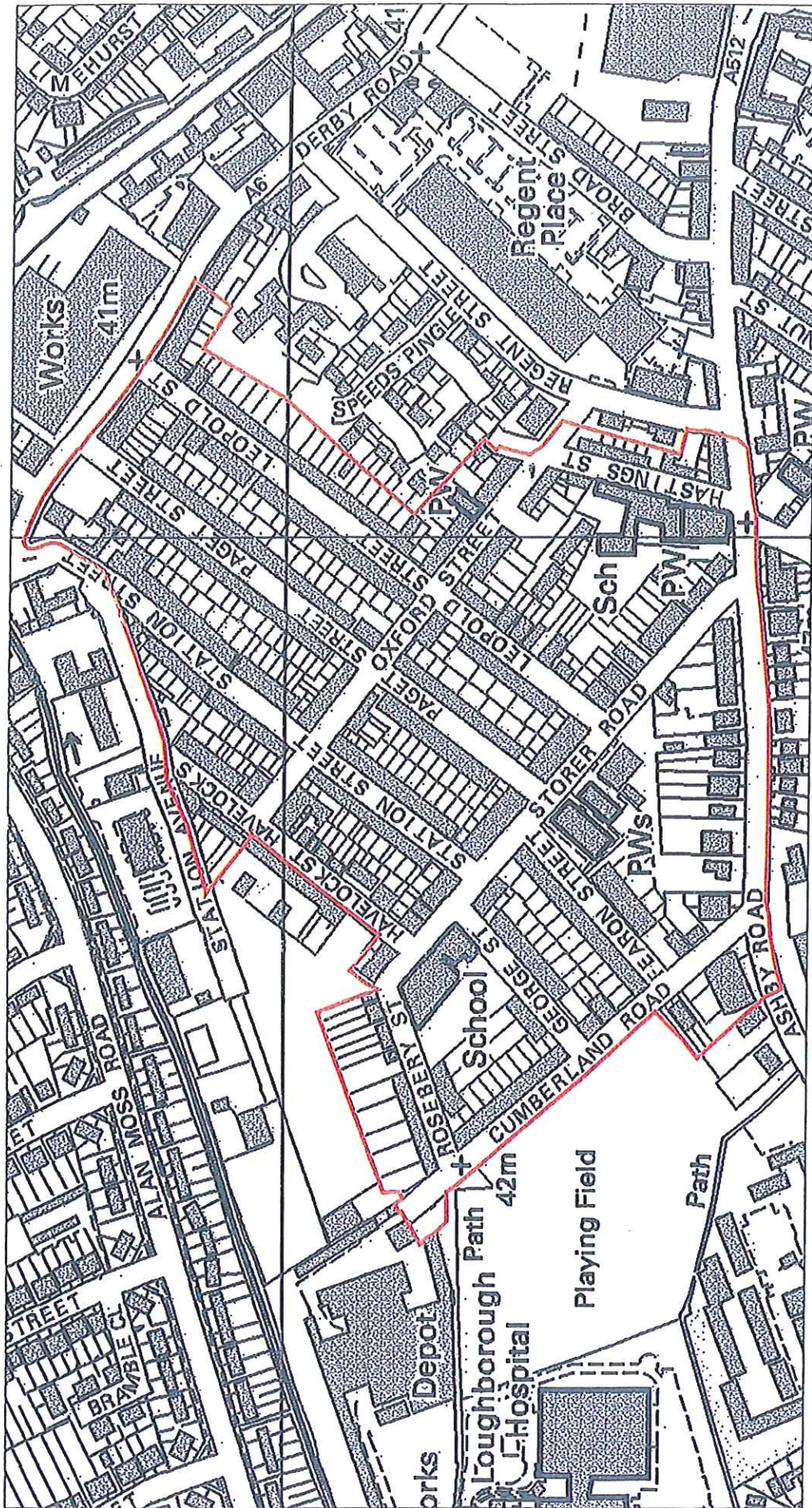
Signed by authority of the Secretary of State for Communities and Local Government



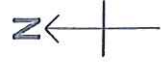
22 December 2016

Robert Segall

Department for Communities and Local Government



Scale: 1:3800
 Date: 13-09-2004 Time: 14:43:13
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Report to the Secretary of State for Communities and Local Government

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 27th September 2016

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

Direction under Regulation 7: Storer Road Area, Loughborough

Application by Charnwood Borough Council

Inspection made on 31 August 2016

Preliminary matters

1. The Direction is intended to apply to all properties and land within the red line on the plan accompanying the application. In advertising this Direction the Council gave a list of addresses affected, but it omitted from that list some properties and 2 roads that fall within the red line. I note though that the list on the advertisement did not claim to be exhaustive as it said the area affected '*would include*' the addresses then given, while the advertisement drew attention to a large site plan indicating the total area affected that was in the Council offices. I am aware too this is broadly intended to be a renewal of a previous Direction. In these circumstances I consider the omission of some addresses does not render the advertising inadequate.

The Term of the Direction

2. The Direction would remove deemed consent rights applicable to the display of estate agents' letting boards falling within Class 3A of Part 1 of Schedule 3 of *The Town and Country Planning (Control of Advertisements)(England) Regulations 2007*.

The reasons for making the submission

3. The area within the red line on the submitted plan (the area) is known as the Storer Road area and is a tight grid of streets that mainly forms the northern part of the Ashby Road Conservation Area (although it includes a few properties on the north side that lie outside the conservation area). It contains the occasional church, school, public house and shop, while larger residential properties face Ashby Road and Derby Road, but otherwise it tends to comprise terraces of tightly packed smaller houses, probably dating from the 19th Century, that stand near to or at the back of the pavement.
4. The area is close to the centre of Loughborough and to the university, and I was told it has proved a popular source of rented accommodation for students. It is therefore the Council's concern that, given the numerous rented properties, the absence of appropriate control could result in an excessive number of letting boards appearing throughout the area that would visually dominate the streetscape and so cause harm to its historic significance.
5. As a consequence, in 2004 the Council made an application for a Regulation 7 Direction covering the display of letting boards across the area. This was supported by the Inspector and confirmed by the First Secretary of State, to run for 5 years from July 2004 (the 2004 Direction).
6. In early 2009 the Council began work to renew the Direction. Again an application was made, though only after the 2004 Direction had lapsed, and this was supported by the Inspector and confirmed by the Secretary of State for Communities and Local Government in February 2010 (the 2010 Direction), once more for a 5 year period.
7. The Council is now seeking to re-impose the Direction for a second time for the same area, although the 2010 Direction has now expired.

Representations

8. In response to the advertising in connection with this current application one representation was received. This was from the Storer and Ashby Area Residents Group (SARG), and it supported the present withdrawal of 'deemed consent' for 'to let' signage.

Appraisal

9. Although the area has been subject to development over the years, many of its buildings still display detailing and a form that reflect their age and status, and they sit together in a unified and complementary manner. As a result, the area retains the character of a Victorian residential suburb and so maintains its significance as a heritage asset.
10. The Council did not specify the amount of rented accommodation across the area. However, from my observations of company signage on the outside of buildings, of advertisements on the inside of windows and of the number of premises that were empty in what was the students' holiday period, it seems a high percentage of the properties are used as shared houses, as flats or for multiple occupation. Indeed, in its representations SARG said that in the Storer and Burleigh neighbourhoods of Loughborough approximately 50% of properties are owned by landlords. No basis for this was given but it nonetheless points to a significant number of units being available for letting. Despite this though I saw only one letting board when I visited. While I accept that the 2010 Direction is not now effective, to my mind it is fair to assume this current level of limited advertising is a consequence of the near continuous presence of Directions from 2004 to 2015, and a failure by the public to appreciate they have now expired.
11. In my opinion, if a new Direction is not imposed the relatively high density of housing, the number of units that are rented and the inevitability of them being lets that tend to require new tenants each year all mean many letting boards are likely to appear, projecting at right-angles from the frontages of the terraces and vying for attention through their design or location. Mindful that so many of the properties are at or near to the back of the pavement, this would inevitably result in the streets acquiring a cluttered appearance that would undermine appreciably the existing historic character of the area and so cause harm to the significance of this designated heritage asset.
12. The area also includes some housing that lies outside of but next to the conservation area. This relationship means it is not unreasonable to assume that an excess of letting boards on those houses would cause harm to the conservation area, and so I raise no objections to them also being included.

Conclusions

13. Given my findings above, it appears the Direction has worked effectively in preventing the potential proliferation of letting boards from materialising, and indeed is still working to some effect, even though it has lapsed. It has therefore ensured such advertisements do not fail to preserve the character or appearance of this conservation area and do not harm its significance as a heritage asset.

Recommendation

14. I recommend that the Regulation 7 Direction should be made for the 5 years as applied for.

J P Sargent

INSPECTOR